

## MESSAGE

OF THE

## PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*In compliance with a resolution of the Senate of the 9th instant, the correspondence of Lieutenant General Scott, in reference to the island of San Juan, and of Brigadier General Harney, in command of the department of Oregon.*

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JANUARY 30, 1860.—Read and ordered to lie on the table.

JANUARY 31, 1860.—Motion to print referred to the Committee on Printing.

FEBRUARY 7, 1860.—Report in favor of printing the usual number submitted, considered, and agreed to.

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*To the Senate of the United States:*

I transmit herewith a report of the Secretary of War, with accompanying papers, in answer to the resolution of the 9th instant, requesting the President "to communicate to the Senate the official correspondence of Lieutenant General Winfield Scott, in reference to the island of San Juan, and of Brigadier General William S. Harney, in command of the department of Oregon."

JAMES BUCHANAN.

WASHINGTON, *January 30, 1860.*

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WAR DEPARTMENT, *January 25, 1860.*

SIR: In answer to the resolution of the Senate of the 9th instant, referred by you to this department, I have the honor to transmit herewith copies of the correspondence with Lieutenant General Winfield Scott and Brigadier General William S. Harney, in reference to the recent difficulties at San Juan island, together with all other papers of interest in possession of this department relating to the subject.

Very respectfully, your obedient servant,

JOHN B. FLOYD,  
*Secretary of War.*

The PRESIDENT.

*List of papers relating to the recent difficulties at San Juan island, accompanying the report of the Secretary of War of January 25, 1860.*

1. Mr. Marcy to Mr. Stevens, July 14, 1855.
2. Same to Mr. Crampton, July 17, 1855.
3. General Harney to Colonel Casey, July 18, 1859.
4. Same to Captain Pickett, July 18, 1859.
5. Same to General Scott, July 19, 1859.
6. Mr. Drinkard to General Harney, September 3, 1859.
7. General Harney to General Scott, August 1, 1859, inclosing petition of citizens at San Juan.
8. Same to the Adjutant General, August 7, 1859, inclosing letters—
  - a. From Colonel Casey, July 31, with inclosures from Captain Pickett;
  - b. From Captain Pickett, August 3, covering correspondence with Captain Hornby;
  - c. Proclamation of Governor Douglas;
  - d. Reply to same, August 6;
  - e. To Captain Pickett, August 6;
  - f. To commander of the Pacific squadron, August 7; and
  - g. To General Clarke, August 7.
9. Same to same, August 8, 1859.
10. Mr. Drinkard to General Scott, September 16, 1859.
11. General Harney to same, August 18, 1859, inclosing letters—
  - a. To Colonel Casey, August 8;
  - b. From same, August 12, covering correspondence with Admiral Baynes;
  - c. From same, August 14;
  - d. To same, August 16;
  - e. From Governor Gholson, August 11; and
  - f. To Mr. Campbell, August 16.
12. Same to the Adjutant General, August 25, 1859, with inclosures—
  - a. From Governor Douglas, August 13;
  - b. Reply, August 24;
  - c. Governor Douglas' message;
  - d. Debate thereon;
  - e. Article from the "British Colonist."
13. Same to same, August 29, 1859.
14. Same to General Scott, August 30, 1859, inclosing letters from Colonel Casey, August 22.
15. Same to Colonel Casey, September 2, 1859.
16. Same to General Scott, September 14, 1859, inclosing—
  - a. Affidavit of Mr. Hubbs;
  - b. Affidavit of Mr. Cutler;
  - c. Letter from Mr. Hubbs.
17. Governor Gholson to General Harney, August 21, 1859.
18. General Harney to Mr. Floyd, October 10, 1859, inclosing letters—
  - a. From Mr. Campbell, August 14;
  - b. From same, August 30.



19. General Scott to the Adjutant General, October 22, 1859.
20. Same to same, October 26, 1859.
21. Same to Mr. Floyd, October 27, 1859.
22. General Harney to General Scott, October 29, 1859, inclosing letter from Colonel Casey, October 28.
23. General Scott to Mr. Floyd, December 8, 1859, with inclosures—
  - a.* Letter to Governor Douglas, October 25;
  - b.* Memorandum by Colonel Lay, October 26;
  - c.* From Governor Douglas, October 29;
  - d.* To same, November 2;
  - e.* Project of settlement;
  - f.* From Governor Douglas, November 3;
  - g.* To same, November 5;
  - h.* Special orders, November 5;
  - i.* From Governor Douglas;
  - j.* From same, November 7, with inclosure;
  - k.* To Governor Douglas, November 9, with inclosure;
  - l.* To Captain Hunt, November 9;
  - m.* To Colonel Casey, November 9;
  - n.* General Thomas to General Harney, November 9;
  - o.* General Scott to General Harney; and
  - p.* Special orders.
24. General Harney to General Scott, November 17, 1859.

1. *Mr. Marcy to Mr. Stevens.*

DEPARTMENT OF STATE,  
*Washington, July 14, 1855.*

\* \* \* \* \*

He [the President] has instructed me to say to you that the officers of the territory should abstain from all acts on the disputed grounds which are calculated to provoke any conflicts, so far as it can be done without implying the concession to the authority of Great Britain of an exclusive right over the premises.

The title ought to be settled before either party should exclude the other by force, or exercise complete and exclusive sovereign rights within the fairly disputed limits. Application will be made to the British government to interpose with the local authorities on the northern borders of our territory to abstain from like acts of exclusive ownership, with the explicit understanding that any forbearance on either side to assert the rights, respectively, shall not be construed into any concession to the adverse party.

By a conciliatory and moderate course on both sides, it is sincerely hoped that all difficulties will be avoided until an adjustment of the boundary line can be made in a manner mutually satisfactory. The government of the United States will do what it can to have the line established at an early period.

I am, sir, your obedient servant,

W. L. MARCY.

His excellency I. I. STEVENS,  
*Governor of Washington Territory, Olympia.*

2. *Mr. Marcy to Mr. Crampton.*

DEPARTMENT OF STATE,  
*Washington, July 17, 1855.*

SIR: I am under some apprehension that collision may take place between our citizens and British subjects in regard to the occupation of the disputed points along the line between Washington Territory and the British possessions on the north of it.

In the hope of avoiding such a difficulty, I have, by the direction of the President, addressed a letter to the governor of that Territory on the subject, and herewith furnish you with an extract from it. I presume that the government of her Britannic Majesty will be willing to recommend to her subjects along the boundary in question a similar course until the line can be established. In that way I sincerely hope all collision may be avoided.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c.

3. *General Harney to Colonel Casey.*

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., July 18, 1859.*

SIR: By Special Orders No. 72, herewith inclosed, you will perceive the general commanding has withdrawn the garrisons from Bellingham and Townsend, and has placed the steamer "Massachusetts" under your orders for the better protection and supervision of the waters of Puget's Sound.

To carry out these instructions with more effect, the general commanding desires me to communicate to you the following directions: The steamer "Massachusetts" will proceed without delay to Bellingham, to be used in establishing company "D" 9th infantry on San Juan island; after which she will convey company "I" of the 4th infantry to Steilacoom, when the company you assign for service on the steamer will be embarked under your supervision. Article 37, general regulations: Troops on board of transports will, as far as practicable, govern in the disposition of the company on board. As no surgeon is available for the ship, medical attendance will be obtained at Fort Steilacoom or San Juan island, when required; medical supplies, however, with directions for use, will be furnished by your medical officer for such probable cases of danger as will require immediate attention.

After the ship has received the necessary stores and supplies, she will be instructed to cruise in the sound among the islands frequented by the northern Indians, who will be warned not to come into any of the waters under the jurisdiction of the United States, which embraces all the islands and currents to the east of the Straits of Haro.

Any opposition by these Indians will be speedily checked, and the requirements of these instructions will be maintained by force, if necessary. The ordinary rendezvous of the steamer Massachusetts, for wood and water, will be San Juan island; and should the commander of that island desire the assistance of any force from the ship for purposes connected with the defense of the island, the officer in command of the ship will be instructed to furnish the force and coöperate with the troops in all measures requiring its safety and protection. At the end of every two months the ship will visit Fort Steilacoom to obtain supplies, and for the muster and inspection required by the regulations. The command on the steamer Massachusetts will be borne on the post return of Fort Steilacoom, as a component part of its garrison.

In the ordinary cruising of the sound, the ship will be propelled by sail only, but at least four days fuel for steam will be kept constantly on board, to be used whenever necessity requires celerity of motion. The ship will visit the light-houses on the sound in her cruises, and furnish them any protection that may be needed. As the ship is mounted with eight thirty-two pounders, and the proper ammunition has been provided, the crew will be instructed, under the direction of the master of the vessel in their use, to obtain the most efficient action from all parties in cases requiring it. Whenever circumstances occur

requiring a deviation from the tenor of these instructions, you are authorized to use your own discretion and judgment in the matter, reporting the occurrence to this office. The general commanding is pleased to communicate his confidence in the zeal, energy, and intelligence you exercise in the discharge of your duties to the service, and he rests assured the details transmitted in this communication will be rendered with satisfaction and advantage to such worthy qualities.

I am, colonel, very respectfully, your obedient servant,

A. PLEASANTON,

*Captain 2d Dragoons, Acting Asst. Adj't General.*

Lieut. Colonel S. CASEY,

*9th Infantry, commanding Fort Steilacoom, Puget's Sound.*

#### 4. General Harney to Captain Pickett.

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., July 18, 1859.*

CAPTAIN: By Special Orders No. 72, a copy of which is inclosed, you are directed to establish your company on Bellevue or San Juan island, in some suitable position near the harbor at the southeastern extremity. The general commanding instructs me to say the object to be attained in placing you thus is two-fold, viz: First. To protect the inhabitants of the island from the incursions of the northern Indians of British Columbia and the Russian possessions. You will not permit any force of these Indians to visit San Juan island or the waters of Puget Sound in that vicinity over which the United States have any jurisdiction. Should these Indians appear peaceable you will warn them in a quiet but firm manner to return to their own country, and not visit in future the territory of the United States; and in the event of any opposition being offered to your demands, you will use the most decisive measures to enforce them; to which end the commander of the troops stationed on the steamer Massachusetts will be instructed to render every assistance and coöperation that will be necessary to enable your command to fulfill the tenor of these instructions.

Second. Another serious and important duty will devolve upon you in the occupation of San Juan island, arising from the conflicting interests of the American citizens and the Hudson's Bay Company establishment at that point. This duty is to afford adequate protection to the American citizens in their rights as such, and to resist all attempts at interference by the British authorities residing on Vancouver's Island, by intimidation or force, in the controversies of the above-mentioned parties.

This protection has been called for in consequence of the chief factor of the Hudson's Bay Company, Mr. Dallas, having recently visited San Juan island with a British sloop-of-war, and threatened to take an American citizen by force to Victoria for trial by British laws. It is hoped a second attempt of this kind will not be made, but to insure the safety of our citizens the general commanding directs you to meet

the authorities from Victoria at once, on a second arrival, and inform them they cannot be permitted to interfere with our citizens in any way. Any grievances they may allege as requiring redress can only be examined under our own laws, to which they must submit their claims in proper form.

The steamer Massachusetts will be directed to transport your command, stores, &c., to San Juan island, where you are authorized to construct such temporary shelter as the necessities of the service demand.

Any materials, as doors, window-sash, flooring, etc., that can be rendered available will be taken with you from Fort Bellingham. To secure to your command the vegetables of your garden a small detachment will be left to gather them when grown.

The general commanding is fully satisfied, from the varied experience and judgment displayed by you in your present command, that your selection to the duties with which you are now charged will advance the interests of the service, and that your disposition of the subjects coming within your supervision and action will enhance your reputation as a commander.

In your selection of a position, take into consideration that future contingencies may require an establishment of from four to six companies retaining the command of the San Juan harbor.

I am, captain, very respectfully, your obedient servant,

A. PLEASANTON,

*Captain 2d Dragoons, Acting Assistant Adjutant General.*

Captain GEORGE PICKETT,

*Commanding company "D" 9th Infantry,*

*Fort Bellingham, Puget's Sound.*

### 5. General Harney to General Scott.

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., July 19, 1859.*

SIR:           \*           \*           \*           \*           \*           \*           \*           \*

On the morning of the 9th instant I left Victoria and visited Bellevue, or San Juan island, about ten miles to the east of Vancouver's Island, on the opposite side of the Straits of Haro. This island is fifteen miles long and five or six broad. It contains fine timber, good water, and grass, and is the most commanding position we possess on the sound; overlooking the Straits of Haro, the Straits of Fuca, and the Rosario strait, it is the most suitable point from which to observe and prevent the northern Indians from visiting our settlements to the south of it. At the southeastern extremity one of the finest harbors on this coast is to be found, completely sheltered, offering the best location for a naval station on the Pacific coast.

The Hudson's Bay Company have an establishment on this island for the purpose of raising sheep, which they export at eight dollars a head. Twenty-five Americans, with their families, are also living

upon the island; and I was petitioned by them through the United States inspector of customs, Mr. Hubbs, to place a force upon the island to protect them from the Indians, as well as the oppressive interference of the authorities of the Hudson's Bay Company at Victoria, with their rights as American citizens. Mr. Hubbs informed me that a short time before my arrival the chief factor of the company at Victoria, Mr. Dallas, son-in-law of Governor Douglas, came to the island in the British sloop-of-war *Satellite*, and threatened to take one of the Americans by force to Victoria for shooting a pig of the company. The American seized his rifle and told Mr. Dallas if any such attempt was made he would kill him on the spot. The affair then ended. The American offered to pay to the company twice the value of the pig, which was refused.

To prevent a repetition of this outrage, I have ordered the company at Fort Bellingham to be established on San Juan island for the protection of our citizens, and the steamer *Massachusetts* is directed to rendezvous at that place with a second company to protect our interests in all parts of the sound. \* \* \* \*

I am, sir, very respectfully, your obedient servant,  
 WILLIAM S. HARNEY,  
*Brigadier General, Commanding.*

The ASSISTANT ADJUTANT GENERAL,  
*Headquarters of the Army, New York City.*

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6. *Mr. Drinkard to General Harney.*

WAR DEPARTMENT, *September 3, 1859.*

SIR: Your dispatch of the 19th July last, addressed to the general-in-chief, has been forwarded to this department, and laid before the President for his consideration.

The President was not prepared to learn that you had ordered military possession to be taken of the island of San Juan or Bellevue. Although he believes the Straits of Haro to be the true boundary between Great Britain and the United States, under the treaty of June 15, 1846, and that, consequently, this island belongs to us, yet he had not anticipated that so decided a step would have been resorted to without instructions. In cases respecting territory in dispute between friendly nations it is usual to suffer the *status* of the parties to remain until the dispute is terminated one way or the other, and this more especially whilst the question is pending for decision before a joint commission of the two governments. If you had good reason to believe that the colonial authorities of Great Britain were about to disturb the *status*, by taking possession of the island and assuming jurisdiction over it, you were in the right to anticipate their action.

\* \* \* \* \* The President will not, for the present, form any decided opinion upon your course on the statement of facts presented in your dispatch. He will await further details, which he expects to receive from you by the next steamer. He is especially



anxious to ascertain whether, before you proceeded to act, you had communicated with Commissioner Campbell, who could not then have been distant from you, and who was intrusted by this government, in conjunction with the British commissioner, to decide this very boundary question.

In the meantime care ought to be taken to apprise the British authorities that possession has thus been taken solely with the view of protecting the rights of our citizens on the island, and preventing the incursions of the northern Indians into our territory, and not with any view of prejudging the question in dispute or retaining the island should the question be finally decided against the United States.

Very respectfully, your obedient servant,

W. R. DRINKARD,  
*Acting Secretary of War.*

Brigadier General WM. S. HARNEY,  
*Commanding department of Oregon, Fort Vancouver.*

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7. *General Harney to General Scott.*

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., August 1, 1859.*

SIR: I have the honor to inclose, for the information of the general-in-chief, a copy of a petition of the American citizens on San Juan island, Puget's Sound, for protection from the constant incursions of marauding Indians.

The requirements of this petition were anticipated by the establishment of company "D," 9th infantry, upon the island, and the disposition of the steamer Massachusetts to act in concert with that company, as contained in Special Orders No. 72 from these headquarters, a copy of which order has already been transmitted to your office.

I am, sir, very respectfully, your obedient servant,

W. S. HARNEY,  
*Brigadier General, Commanding.*

ASSISTANT ADJUTANT GENERAL,  
*Headquarters of the Army, New York City.*

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7 a.

SAN JUAN ISLAND, *July 11, 1859.*

*To General Harney, Commander-in-Chief  
of the Pacific division of the United States army:*

The undersigned, American citizens on the island of San Juan, would respectfully represent: That in the month of April, in the year one thousand eight hundred and fifty-eight, the house of the United States inspector of customs for this island was attacked and fired into in the night by a party of Indians living on this island, and known as the Clallams, and had it not been for the timely aid of the Hudson's Bay Company, the inspector would have fallen a victim to their savage designs. In the month of July following we found on the beach, close to the above-mentioned Indian camp, the bodies of two white men,



apparently Americans, who had, when found, cotton cords about their necks which had been used to conceal them under water. Last fall another daring murder was committed in the middle of the day, and in the plain sight of us all here, without the slightest chance of our rendering them assistance. Only ten days ago another body was found on our shore which had been the victim of foul play. Inclusive with the above dangers that we are exposed to from our neighboring Indians, we are continually in fear of a descent upon us by the bands of marauding northern Indians, who infest these waters in large numbers, and are greatly retarding the progress of the settlement of this island.

According to the treaty concluded June 15, 1846, between the United States and Great Britain, (the provisions of which are plain, obvious, and pointed to us all here,) this and all the islands east of the Canal de Haro belong to us; we therefore claim American protection in our present exposed and defenseless position.

With a view of these facts, and for the essential advantage of having this and the surrounding islands immediately settled, we most earnestly pray that you will have stationed on this island a sufficient military force to protect us from the above-mentioned dangers until we become sufficiently strong to protect ourselves.

J. M. Haggaret.  
 Samuel McCauley.  
 J. E. Higgins.  
 Chas. H. Hubbs.  
 L. A. Cutlar.  
 William Butler.  
 J. D. Warren.  
 H. Wharton, jr.  
 John Witty.  
 B. S. Andrews.  
 John Hunter MacKay.

Noil Ent.  
 Michael Farris.  
 George Perkins.  
 Alex. McDonald.  
 Peter Johnson.  
 Angus McDonald.  
 William Smith.  
 Charles McCoy.  
 D. W. Oakes.  
 Paul K. Hubbs, jr.  
 Paul K. Hubbs.

#### 8. *General Harney to the Adjutant General.*

HEADQUARTERS DEPARTMENT OF OREGON.

*Fort Vancouver, W. T., August 7, 1859.*

COLONEL: I have the honor to inclose, for the information of the War Department, a copy of a proclamation of Governor Douglas of her Britannic Majesty's island of Vancouver, also a copy of my reply to the same, with a copy of a letter I have addressed to the senior officer of our navy on this coast, requesting him to send a proper force to observe the British vessels-of-war, which are being used to threaten, with attempts to intimidate, our people on the Sound.

I have also the honor to inclose a correspondence between Captain George Pickett, 9th infantry, commanding on San Juan island, and Captain Hornby, the senior officer commanding her Majesty's ships "Tribune," "Plumper," and "Satellite."

The threatening attitude the British authorities have seen proper to assume, has caused me to order Lieutenant Colonel Casey to reinforce Captain Pickett with his three companies from Fort Steilacoom,

which post will be occupied by four companies of the 3d artillery from Fort Vancouver until further orders.

In my report of July 19, 1859, to the headquarters of the army, I stated I had ordered the company from Fort Bellingham to San Juan island to protect the American citizens residing on that island from the insults and indignities which the British authorities of Vancouver's island did not hesitate to offer them on every occasion. On my visit to San Juan island, mentioned in that report, the United States inspector of customs on the island, Mr. Hubbs, made an official complaint in behalf of the American citizens of the outrages perpetrated upon them by the British authorities of Vancouver's Island, who are connected with the Hudson's Bay Company establishment, and who have a sheep farm on the island. This company pretend to own the whole island, which is some fifteen or twenty miles long and five or six broad—while their improvements on the island are a few old houses and some small fields under inclosure.

A week or ten days ago, before my arrival on that island, one of the Americans shot a pig belonging to the Hudson's Bay Company, after having been greatly provoked by the person in charge, to whom he had applied to have the pig secured, as it damaged his fields. This request was treated with contempt, and the pig was shot, the American offering twice the value for the animal, which was refused. The next day the British ship-of-war "Satellite," with Mr. Dallas on board, who is the chief factor of the Hudson's Bay Company, and a son-in-law of Governor Douglas, visited the island and threatened to take the American to Victoria, by force, for trial. The American resisted, seized his rifle, and in return told Mr. Dallas he might take him, but he would kill him first. I was also informed that the Hudson's Bay Company had threatened at different times to send the northern Indians down upon them and drive them from the island. This statement has since been confirmed to me by some of the most reliable citizens of the Sound. I felt it my duty therefore to give these citizens the protection they sought with such just and pressing claims.

Governor Douglas is the father-in-law of Mr. Dallas, and, having the local rank of vice-admiral, he commands the British navy in the Sound. This accounts in some measure for the use of the British ships-of-war in the supervision of the interests of the Hudson's Bay Company. To attempt to take, by an armed force, an American citizen from our soil, to be tried by British laws, is an insult to our flag and an outrage upon the rights of our people, that has roused them to a high state of indignation. I therefore most respectfully request the President to consider the necessities for an increased naval force on this station, to give confidence to the people that their rights will be respected.

It would be well for the British government to know the American people of this coast will never sanction any claim they may assert to any other island in Puget's Sound than that of Vancouver's, south of the 49th parallel and east of the Canal de Haro; any attempt at possession by them will be followed by a collision.

I desire to assure the department that while there is no one more desirous than myself for an amicable settlement of the difficulties raised by the British authorities of Vancouver's Island at this time, I

shall use all the means at my command to maintain the position I have assumed in regard to San Juan island; being fully convinced that whatever respect and consideration might have been yielded to the statements of a doubtful claim advanced in due form, have been forfeited by the overbearing, insulting, and aggressive conduct her Majesty's executive officers have displayed not only towards our citizens but to the officer commanding our troops at San Juan.

I am, colonel, very respectfully, your obedient servant,

W. S. HARNEY,

*Brigadier General, Commanding.*

Colonel S. COOPER,

*Adjutant General, Washington City, D. C.*

8 a.

FORT STEILACOOM, W. T., *July 31, 1859.*

CAPTAIN: I have the honor to report that I have dispatched the Massachusetts to-day with Major Haller's company "I," 4th infantry, for San Juan island. I sent also, on the same steamer, Lieutenant Shaaff and twenty men, to report for duty with the boundary commission, at Semiahmoo.

I have directed the acting assistant quartermaster at this post to forward to San Juan the articles which Captain Pickett informed me he required, and which could be spared from this post. I have also directed the steamer to take from Fort Townsend a small boat and some tarpaulines, which are much needed at San Juan.

I have directed, in case contrary orders are not received from department headquarters, that the steamer Massachusetts shall stop at Fort Townsend, in returning to this post on the 31st proximo, (for the muster and inspection of the company,) and take on board all the public property and the detachment of men and convey them to this post.

I directed that one sergeant and two privates be left there until further orders, to take charge of the public quarters and gardens.

I have inclosed, for the information of the general, copies of communications which have passed between Captain Pickett and the agent of the Hudson's Bay Company at San Juan, also a note which I received from the captain. Not having been informed of the tenor of Captain Pickett's instructions, I could not of course advise him with regard to them. The authorities on the other side are trying to bluff a little, but I do not apprehend anything serious.

Very respectfully, your obedient servant,

SILAS CASEY,

*Lieutenant Colonel 9th Infantry, Commanding Post.*

Captain ALFRED PLEASANTON,

*Acting Assistant Adjutant General, U. S. A.,*

*Department of Oregon, Fort Vancouver, W. T.*

[Inclosures.]

1. Captain Pickett to Colonel Casey, July 30.
2. Mr. Griffin to Captain Pickett, July 30.
3. Captain Pickett to Mr. Griffin, July 30.

8 a 1.

MILITARY CAMP,  
*San Juan Island, W. T., July 30, 1859.*

MY DEAR COLONEL: I have the honor to inclose you some notes which passed this morning between the Hudson's Bay authorities and myself. From the threatening attitude of affairs at present, I deem it my duty to request that the Massachusetts may be sent at once to this point. I do not know that any actual collision will take place, but it is not comfortable to be lying within range of a couple of war steamers. The "Tribune," a 30-gun frigate, is lying broadside to our camp, and from present indications everything leads me to suppose that they will attempt to prevent my carrying out my instructions.

If you have any boats to spare I should be happy to get one at least. The only whale boat we had was, most unfortunately, staved on the day of our departure.

We will be very much in want of some tools and camp equipage, I have not the time, colonel, to make out the proper requisition, but if your quartermaster can send us some of these articles it will be of great service.

I am, sir, in haste, very truly, your obedient servant,

G. E. PICKETT,  
*Captain 9th Infantry.*

Lieutenant Colonel S. CASEY,  
*9th Infantry, Commanding Fort Steilacoom, W. T.*

P. S. The Shubrick has rendered us every assistance in her power; and I am much indebted for the kindness of officers.

8 a 2.

BELLEVUE FARM, *San Juan, July 30, 1859.*

SIR: I have the honor to inform you that the island of San Juan, on which your camp is pitched, is the property and in the occupation of the Hudson's Bay Company, and to request that you and the whole of the party who have landed from the American vessels will immediately cease to occupy the same. Should you be unwilling to comply with my request, I feel bound to apply to the civil authorities. Awaiting your reply,

I have the honor to be, sir, your obedient servant.

CHAS. JNO. GRIFFIN,  
*Agent Hudson's Bay Company.*

Captain PICKETT, &c., &c., &c.

8 a 3.

MILITARY CAMP,  
*San Juan, W. T., July 30, 1859.*

SIR: Your communication of this instant has been received. I have to state in reply that I do not acknowledge the right of the Hudson's Bay Company to dictate my course of action. I am here by virtue of

an order from my government, and shall remain till recalled by the same authority.

I am, sir, very respectfully, your obedient servant,

GEORGE E. PICKETT,

*Captain 9th U. S. Infantry, Commanding.*

Mr. CHARLES J. GRIFFIN,

*Agent Hudson's Bay Company, San Juan Island, W. T.*

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8 b.

MILITARY POST,

*San Juan, W. T., August 3, 10 p. m.*

CAPTAIN: I have the honor to report the following circumstances: The British ships the "Tribune," the "Plumper," and the "Satellite" are lying here in a menacing attitude. I have been *warned off* by the Hudson's Bay agent; then a summons was sent me to appear before a Mr. De Courcy, an official of her Britannic Majesty. To-day I received the inclosed communications, and I also inclose my answer to same.

I had to deal with three captains, and I thought it better to take the brunt of it. They have a force so much superior to mine that it will be merely a mouthful for them; still I have informed them that I am here by order of my commanding general, and will maintain my position if possible.

They wish to have a conjoint occupation of the island: I decline anything of that kind. They can, if they choose, land at almost any point on the island, and I cannot prevent them. I have used the utmost courtesy and delicacy in my intercourse; and, if it is possible, please inform me at such an early hour as to prevent a collision. The utmost I could expect to-day was to suspend any proceeding till they have time to digest a *pill* which I gave them. They wish to throw the onus on me, because I refused to allow them to land an equal force, and each of us to have military occupation, thereby wiping out both civil authorities.

I say I cannot do so until I hear from the general.

I have endeavored to impress them with the idea that my authority comes directly through you from Washington.

The "Pleiades" left this morning for San Francisco with Colonel Hawkins.

The excitement in Victoria and here is tremendous. I suppose some five hundred people have visited us. I have had to use a great deal of my *peace-making* disposition in order to restrain some of the sovereigns.

Please excuse this hasty, and I am almost afraid unintelligible, letter, but the steamer is waiting, and I have been writing under the most unfavorable circumstances. I must add that they seem to doubt the authority of the general commanding, and do not wish to acknowledge his right to occupy this island, which they say is in dispute, unless the United States government have decided the question with Great Britain. I have so far staved them off, by saying that the two governments have without doubt settled this affair; but this state of affairs cannot last, therefore I most respectfully ask that an express be sent me immediately on my future guidance. I do not think there are

any moments to waste. In order to maintain our dignity we must occupy in force, or allow them to land an equal force, which they can do now, and possibly will do in spite of *my* diplomacy.

I have the honor to inclose all the correspondence which has taken place. Hoping that my course of action will meet with the approval of the general commanding, and that I may hear from him in regard to my future course at once,

I remain, captain, your obedient servant,

G. E. PICKETT,

*Captain 9th Infantry, Commanding Post.*

Captain A. PLEASANTON,

*Mounted Dragoons, Adjutant General,*

*Department of Oregon, Fort Vancouver, W. T.*

[Inclosures.]

1. Captain Hornby to Captain Pickett, August 3.
2. Captain Pickett to Captain Hornby, August 3.
3. Captain Hornby to Captain Pickett, August 3.
4. Same to same, August 3.
5. Captain Pickett to Captain Hornby, August 3.

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8 b 1.

HER MAJESTY'S SHIP "TRIBUNE,"

*Griffin Bay, Island of San Juan, August 3, 1859.*

SIR: Having received instructions from his excellency Governor Douglas to communicate with you in reference to the landing of the United States troops under your command on the island of San Juan, I have the honor to propose a meeting should take place between yourself and any other officers of the United States military forces on the one part, and captains of her Britannic Majesty's ships on the other, (on board her Majesty's ship "Tribune,") at any hour that may be convenient to you, that we may, if possible, conclude such arrangements as will tend to preserve harmony between the subjects of the two States in this island.

I have the honor to be, sir, your obedient servant,

GEOFFREY PHIPPS HORNBY, *Captain.*

Captain PICKETT,

*Commanding Detachment United States Troops, Island San Juan.*

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8 b 2.

MILITARY POST,

*San Juan, W. T., August 3, 1859.*

SIR: Your communication of this instant, favored by Lieutenant Dunlop, has been received. I have the honor to say, in reply, that I shall most cheerfully meet yourself, and whatever officers of her Majesty's service that you may select, in my camp at whatever hour



you may choose to designate. Be assured that my wish corresponds with yours to preserve harmony between our respective governments.

I remain, sir, very respectfully, your obedient servant,

GEORGE E. PICKETT,

*Captain 9th United States Infantry, Commanding.*

Captain PHIPPS HORNBY,

*Commanding her Britannic Majesty's Ship "Tribune,"*

*Harbor of San Juan, W. T.*

8 b 3.

HER MAJESTY'S SHIP "TRIBUNE,"

*Griffin Bay, Island of San Juan, August 3, 1859.*

SIR: In reply to your letter of this morning, I have to inform you that I shall do myself the honor of calling on you at 2 p. m., in company with the captains of her Britannic Majesty's ships.

I have the honor to be, sir, your obedient servant,

G. PHIPPS HORNBY, *Captain.*

Captain PICKETT,

*Commanding Detachment of U. S. Troops, Island of San Juan.*

8 b 4.

HER MAJESTY'S SHIP "TRIBUNE,"

*San Juan Island, August 3, 1859.*

SIR: In accordance with your request for a written communication, I have the honor to transmit the substance of the declarations and propositions made by me to you to-day.

Having drawn your attention to the extract of a dispatch from Mr. Marcy, Secretary of State, to his excellency Governor Stevens, dated July 14, 1855, prescribing the conduct that should be pursued by the officers of the United States in respect of the disputed grounds, I asked if that was the tenor of your present instructions, or if the relations of the two States had been placed on other than a friendly footing by any of a more recent date.

To this you replied by referring to the date of the dispatch.

I then asked you, in the name of Governor Douglas, the terms on which you had occupied the island of San Juan; to which you replied that you did so by order of the "general commanding," to protect it as a part of the United States territory, and that you believed he acted under orders from the government at Washington.

I then presented to you the governor's protest against any such occupation or claim. I represented to you that the fact of occupying a disputed island by a military force necessitated a similar action on our part; that again involved the imminent risk of a collision between the forces, there being a magistrate of each nation now acting on the island, either of whom might call on those of their country for aid.

To prevent the chance of such collision, I suggested that a joint military occupation might take place, and continue until replies could be received from our respective governments; and, during such times, that the commanding officers of the forces should control and adjudicate between their respective countrymen, the magistrates being withdrawn



on both sides, or the action of their courts suspended for the time being, their employment not being necessary under a joint military occupation.

I suggested this course as apparently the only one left (short of entire evacuation by the troops under your command) likely to produce the object so much to be desired, viz: the prevention of a collision between the forces or authorities of the two countries, landed or in the harbor of San Juan—an event which must lead to still more disastrous results, by permanently estranging the friendly relations subsisting between Great Britain and the United States of America.

You replied that you had not authority to conclude such terms, but suggested the reference of them to General Harney and Governor Douglas, without interference in any way with our liberty of action.

I pointed out that my proposition was strictly in accordance with the principles laid down in Mr. Marcy's dispatch, and that yours, on the other hand, offered no security against the occurrence of some immediate evil.

That as officers of the United States government had committed an act of aggression by landing an armed force on this island pending the settlement of our respective claims to its sovereignty, without warning to us, and without giving you a discretionary power of making any necessary arrangements, that the United States and its officers alone must be responsible for any consequences that might result, either immediate or future.

I agreed to your request to furnish you with the substance of the conversation in writing, and concluded by informing you that having now made what seemed to me a most equitable and simple proposition, I reserved to myself, in the event of your non-acceptance of it, entire liberty of action either for the protection of British subjects and property, or of our claims to the sovereignty of the island, until they are settled by the Northwest Boundary Commission now existing, or by the respective governments.

I believe I have now given you the substance of our conversation, and have only to add my regret that you were not able to agree to a course which it appears to me would totally avoid the risk of a collision.

The responsibility of any such catastrophe does not, I feel, rest on me or on her Majesty's representative at Vancouver's Island.

I have the honor to be, sir, your most obedient, humble servant,

GEOFFREY PHIPPS HORNBY,

*Captain and Senior Officer.*

Captain GEORGE PICKETT,

*Commanding Detachment of United States 9th Regiment.*

MILITARY POST,

*Island of San Juan, W. T., August 3, 11 p. m.*

SIR: I have the honor to acknowledge the receipt of your communication of this date, in reference to the conversation which was held to-day between ourselves and Captains Prevost and Richards. Your

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recollection of said conversation seems to be very accurate. There is one point, however, which I dwelt upon particularly, and which I must endeavor, as the officer representing my government, to impress upon you, viz: That, as a matter of course, I, being here under orders from my government, cannot allow any joint occupation until so ordered by my commanding general, and that any attempt to make such occupation as you have proposed, before I can communicate with General Harney, will be bringing on a collision which *can* be avoided by awaiting this issue. I do not for one moment imagine that there will any difficulty occur on this island which will render a military interference necessary; and I therefore deem it proper to state that I think no discredit can reflect upon us, or our respective flags, by remaining in our present positions until we have an opportunity of hearing from those higher in authority.

I hope, most sincerely, sir, you will reflect on this, and hope you may coincide with me in my conclusion. Should you see fit to act otherwise, you will then be the person who will bring on a most disastrous difficulty, and not the United States officials.

I have thus hurriedly answered your communication in order to avoid any delay and its consequences.

I remain, with much respect, your obedient servant,

GEORGE E. PICKETT,

*Captain 9th Infantry, Commanding Post.*

Capt. G. PHIPPS HORNBY,

*Commanding her Britannic Majesty's ship "Tribune,"*

*Harbor of San Juan, Washington Territory.*

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8 c.

By JAMES DOUGLAS, C. B., governor and commander-in-chief in and over the colony of Vancouver's Island and its dependencies, vice-admiral of the same, &c.

The sovereignty of the island of San Juan, and of the whole of the Haro archipelago, has always been undeviatingly claimed to be in the crown of Great Britain. Therefore, I, James Douglas, do hereby, formally and solemnly, protest against the occupation of the said island, or any part of the said archipelago, by any person whatsoever, for or on behalf of any other power, hereby protesting and declaring that the sovereignty thereof by right now is, and always hath been, in her Majesty Queen Victoria and her predecessors, Kings of Great Britain.

Given under my hand and seal, at Victoria, Vancouver's Island, on this second day of August, one thousand eight hundred and [L. s.] fifty-nine, and in the twenty-third year of her Majesty's reign.

JAMES DOUGLAS.

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8 d.

HEADQUARTERS DEPARTMENT OF OREGON,

*Fort Vancouver, W. T., August 6, 1859.*

SIR: I have the honor to inform you of the receipt of an official copy of a protest made by you to the occupation of San Juan island, in

Puget's Sound, by a company of United States troops under my command.

This official copy was furnished by Captain Hornby, of her Majesty's ship "Tribune," to the United States officer in command at San Juan island, Captain George Pickett, of the 9th infantry of the American army, together with a communication threatening a joint occupation of San Juan island by the forces of her Majesty's ships "Tribune," "Plumper," and "Satellite," now in the harbor of that island by your orders.

As the military commander of the department of Oregon, assigned to that command by the orders of the President of the United States, I have the honor to state, for your information, that by such authority invested in me I placed a military command upon the island of San Juan to protect the American citizens residing on that island from the insults and indignities which the British authorities of Vancouver's Island and the establishment of the Hudson's Bay Company recently offered them by sending a British ship-of-war from Vancouver's Island to convey the chief factor of the Hudson's Bay Company to San Juan for the purpose of seizing an American citizen and forcibly transporting him to Vancouver's Island to be tried by British laws.

I have reported this attempted outrage to my government, and they will doubtless seek the proper redress from the British government. In the meantime, I have the honor to inform your excellency I shall not permit a repetition of that insult, and shall retain a command on San Juan island to protect its citizens, in the name of the United States, until I receive further orders from my government.

I have the honor to be, very respectfully, your obedient servant,

W. S. HARNEY,

*Brigadier General United States Army, Commanding.*

His excellency JAMES DOUGLAS, C. B.,

*Governor of Vancouver's Island, &c.,*

*Vice-Admiral of the same.*

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8 e.

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., August 6, 1859.*

CAPTAIN: The general commanding instructs me to inform you of the receipt of Governor Douglas' protest to the occupation of San Juan island, and directs me to inclose a communication, which you will request Captain Hornby, of her Majesty's ship "Tribune," to transmit to Governor Douglas with all convenient dispatch.

The general approves the course you have pursued, and further directs that no joint occupation or any civil jurisdiction will be permitted on San Juan island by the British authorities under any circumstances.

Lieutenant Colonel Casey is ordered to reinforce you with his command as soon as possible.

Send Lieutenant Howard to Fort Steilacoom in arrest.

I am, captain, very respectfully, your obedient servant,

A. PLEASONTON,

*Capt. 2d Dragoons, Acting Asst. Adj. General.*

Captain GEORGE PICKETT,

*9th Infantry, Com'g on San Juan Island, Puget's Sound, W. T.*

8 f.

HEADQUARTERS DEPARTMENT OF OREGON,

*Fort Vancouver, W. T., August 7, 1859.*

SIR: I have the honor to inclose for your information a copy of a proclamation of Governor Douglas, the executive officer of her Britannic Majesty's island of Vancouver, in Puget's Sound; also my reply to this proclamation, as far as it affects the rights of American citizens whose interests have been confided to the protection of my command; and I desire further to inform you that at this time I have a company of United States troops in possession of San Juan island, to prevent any repetition of the insults that have been offered to our citizens by the British authorities of Vancouver's Island. This company I have ordered to be strongly reinforced, which the British authorities have threatened not to permit, but also to remove the present force from the island. This I *do not* believe they will attempt, but I shall make every effort to meet and frustrate any designs to place such an indignity upon our flag; and as we have no national vessel belonging to our navy in the waters of Puget's Sound to observe the three British vessels of war that have been placed in a threatening attitude over the harbor of San Juan island, I have the honor to request you, as the commander of the United States naval forces on the Pacific, to order to Puget's Sound such force as you can render available to assist in the protection of American interests in that quarter, and to enable us to meet successfully any issue that may be attempted to be made out of the present impending difficulties.

This communication is transmitted through Brigadier General Clarke, commanding department of California, not having the honor of your acquaintance or a knowledge of your station.

I shall forward immediately a copy of this letter to the Secretary of War, for the information of the President.

I am, sir, with high regard, your obedient servant,

W. S. HARNEY,

*Brigadier General U. S. A., Commanding.*

The SENIOR OFFICER of the United States Navy

*Commanding Squadron on the Pacific Coast.*

8 g.

HEADQUARTERS DEPARTMENT OF OREGON,

*Fort Vancouver, W. T., August 7, 1859.*

GENERAL: I have the honor to inclose a communication for the senior officer of the navy commanding on the Pacific coast, in which I have

requested a force from his command, to be stationed on Puget's Sound, to observe the British men-of-war that are assuming a threatening attitude towards a company of infantry I have placed on San Juan island.

I will thank you, general, to cause this communication to be transmitted to the proper officer of the navy at your earliest opportunity, as speedy action on his part will do much to allay the excitement which is fast spreading among our people at the overbearing conduct of the British authorities.

I inclose for your information copies of Governor Douglas' proclamation, and my reply to the same.

I inclose, also, an important communication for the Adjutant General, which should reach him as early as possible; perhaps an express line would be more certain and speedy than the mail.

I am, general, with high respect, your obedient servant,  
W. S. HARNEY,  
*Brigadier General, Commanding.*

Brigadier General N. S. CLARKE,  
*Commanding Department of California,  
San Francisco, California.*

#### 9. General Harney to the Adjutant General.

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., August 8, 1859.*

COLONEL: In connection with my report of yesterday's date, I desire to state that the island of San Juan has for months past been under the civil jurisdiction of Whatcom county, Washington Territory—a justice of the peace had been established on the island—the people had been taxed by the county, and the taxes were paid by the foreigners as well as Americans. An inspector of customs, a United States officer of the Treasury Department, had been placed upon the island in the discharge of his proper duties. The British authorities at Vancouver's Island were aware of all of these facts, and never attempted to exercise any authority on the island, except clandestinely, as reported yesterday in the case of the pig which was killed.

When Governor Douglas heard of the arrival of Captain Pickett's command at San Juan, he appointed a justice of the peace and other civil authorities at Victoria, and sent them over in the British ship-of-war "Plumper" to execute British laws in the island. Captain Pickett refused to permit them to act as such, and I have sustained him in his position. I believe I have now fully and fairly explained all the facts which have any bearing upon the occupation of San Juan island, which was made an imperious necessity by the wanton and insulting conduct of the British authorities of Vancouver's Island towards our citizens.

I am, colonel, very respectfully, your obedient servant,  
W. S. HARNEY,  
*Brigadier General, Commanding.*

Colonel S. COOPER,  
*Adjutant General United States Army, Washington City, D. C.*

10. *Mr. Drinkard to General Scott.*WAR DEPARTMENT, *September 16, 1859.*

SIR: The President has been much gratified at the alacrity with which you have responded to his wish that you would proceed to Washington Territory to assume the immediate command, if necessary, of the United States forces on the Pacific coast.

He has directed me to call your special attention to the present threatening attitude of the British and American authorities at and near the island of San Juan. The two governments have differed on the question of title to this island under the treaty concluded between them at Washington on the 15th June, 1846. The decision of this question depends on whether the treaty line, in passing "from the middle of the channel, on the 49th parallel of latitude, which separates the continent from Vancouver's Island to Fuca straits," ought to be run through the Canal de Haro or the Rosario strait. If through the Canal de Haro, the island belongs to the United States; but if through the Rosario strait, to Great Britain.

This is not the proper occasion to discuss the question of title. If it were, it might be shown that all the territory which the American government consented to yield, south of the 49th parallel of latitude, was the Cape of Vancouver's Island. The idea that the treaty intended to give Great Britain not only the whole of that large and important island, but all the islands south of 49° in the archipelago between the island and the continent, was not, at the time, entertained either by the President or Senate of the United States.

In order to prevent unfortunate collisions on that remote frontier, pending the dispute, Mr. Marcy, the late Secretary of State, on the 14th of July, 1855, addressed a letter to the honorable Isaac I. Stevens, then governor of Washington Territory, having a special reference to an "apprehended conflict between our citizens and the British subjects on the island of San Juan." In this letter Governor Stevens is instructed "that the officers of the Territory should abstain from all acts on the disputed grounds, which are calculated to provoke any conflict, so far as it can be done without implying the concession to the authorities of Great Britain of an exclusive right over the premises. The title ought to be settled before either party should attempt to exclude the other by force, or exercise complete and exclusive sovereign rights within the fairly disputed limits." Three days thereafter, on the 17th July, 1855, Secretary Marcy addressed a note to Mr. Crampton, then the British minister at Washington, communicating to him the material portion of his letter to Governor Stevens. Copies of both these letters are herewith inclosed.

Thus matters stood until General Harney deemed it proper, for the purpose of affording protection to American citizens on the island and the neighboring territories of the United States, to direct Captain George E. Pickett, ninth infantry, "to establish his company on Bellevue, or San Juan island, in some suitable position near the harbor at the southeastern extremity." At the same time the steamer "Massachusetts" was placed under the orders of Lieutenant Colonel Silas



Casey, 9th infantry, "for the better protection and supervision of the waters of Puget's Sound," with instructions to coöperate with Captain Pickett. These instructions were promptly executed. Captain Pickett immediately proceeded to the island with his company and established a military post at its southeastern extremity.

It is unnecessary for me to compile for you, from the papers in the department, a statement of the condition of affairs in and near the island of San Juan, because you will be furnished with copies of all these papers. I would refer you especially to the two dispatches of General Harney, dated July 19 and August 7; and to my dispatch to him of the 3d instant, in reply to his of the 19th July. Suffice it to say that they present a condition of affairs demanding the serious attention of this government.

It is impossible, at this distance from the scene, and in ignorance of what may have already transpired on the spot, to give you positive instructions as to your course of action. Much, very much, must be left to your own discretion, and the President is happy to believe that discretion could not be intrusted to more competent hands. His main object is to preserve the peace and prevent collision between the British and American authorities on the island until the question of title can be adjusted by the two governments. Following out the spirit of Mr. Marcy's instructions to Governor Stevens, it would be desirable to provide, during the intervening period, for a joint occupation of the island, under such guards as will secure its tranquillity without interfering with our rights. The President perceives no objection to the plan proposed by Captain Hornby, of her Majesty's ship "Tribune," to Captain Pickett; it being understood that Captain Pickett's company shall remain on the island to resist, if need be, the incursions of northern Indians on our frontier settlements, and to afford protection to American citizens resident thereon. In any arrangement which may be made for joint occupation, American citizens must be placed on a footing equally favorable with that of British subjects.

But what shall be your course should the forces of the two governments have come into collision before your arrival? This would vastly complicate the case, especially if blood shall have been shed. In that event, it would still be your duty, if this can, in your opinion, be honorably done, under the surrounding circumstances, to establish a temporary joint occupation of the island, giving to neither party any advantage over the other. It would be a shocking event if the two nations should be precipitated into a war respecting the possession of a small island, and that only for the brief period during which the two governments may be peacefully employed in settling the question to which of them the island belongs.

It is a possible, but not a probable, case that the British authorities, having a greatly superior force at their immediate command, may have attempted to seize the island and to exercise exclusive jurisdiction over it, and that our countrymen in those regions may have taken up arms to assert and maintain their rights. In that event the President feels a just confidence, from the whole tenor of your past life, that you will not suffer the national honor to be tarnished. If we must be forced into a war by the violence of the British authorities, which is not



anticipated, we shall abide the issue as best we may without apprehension as to the result.

I am, sir, very respectfully, your obedient servant,  
 W. R. DRINKARD,  
*Acting Secretary of War.*

Lieutenant General WINFIELD SCOTT,  
*Commander-in-Chief of the United States Army, Washington.*

# 11. General Harney to General Scott.

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., August 18, 1859.*

SIR: Since my report of the 8th instant to the Adjutant General, a copy of which was sent to your office, with accompanying papers, I have received the inclosed correspondence from Lieutenant Colonel Casey, commanding on San Juan island, as a record of the events which have occurred at that place; in addition to which I have the honor to report, for the information of the general-in-chief, my own action, based on the above correspondence, as shown by the inclosed copies to Lieutenant Colonel Casey and Commissioner Campbell, and also a copy of a communication from his excellency Governor Gholson, of Washington Territory, containing an assurance of a cordial response by the people of this Territory whenever it may be necessary to apply for their assistance.

I inclose a list of the fleet and forces of her Britannic Majesty on service in Puget's Sound, which have been made use of to threaten my command occupying San Juan island. This armament, it will be seen, contains five vessels of war, one hundred and sixty-seven guns, two thousand one hundred and forty men, some six hundred of which are marines and engineer troops; and when it is known that this force has been employed from the 27th day of July until the 10th day of August, the day on which Colonel Casey, with reinforcements, reached the island, in using every means in its power, except opening a fire, to intimidate one company of infantry but sixty strong, the conviction will be universal that the cause which this large armament had been called upon to maintain must be totally deficient of right, justice, and integrity.

The senior officer of three British ships-of-war threatened to land an overpowering force upon Captain Pickett, who nobly replied that whether they landed fifty or five thousand men, his conduct would not be affected by it; that he would open his fire, and, if compelled, take to the woods fighting; and so satisfied were the British officers that such would be his course, they hesitated in putting their threat into execution. For the cool judgment, ability, and gallantry which distinguished Captain Pickett in his command on San Juan island, I most respectfully offer his name to the President of the United States for his notice, by the preferment of a brevet, to date from the commencement of his service on San Juan island.

On the 14th of August Colonel Casey had five companies with him on the island, and was busy placing in position eight thirty-two pounders, taken from the steamer "Massachusetts" by my orders. By this time four companies more have joined him, making in all nine companies—say five hundred men. These, with the citizens on the island, can now defend it until a diversion could be made in their favor. From the hight of the island above the water it presents many advantages for shelter from the fire of a fleet, and no force could be landed to dislodge Colonel Casey after his guns are in position and his entrenchments are completed. A detachment of engineer troops will proceed by the mail steamer in a day or two for service with Colonel Casey's command.

The visit of Colonel Casey to Esquimault harbor to see the British admiral was not anticipated by me, and was a generous act of zeal on the part of the colonel, tending, however, to produce confusion in the minds of the British authorities. I have directed that in future all official communications be referred direct to headquarters.

Some Indian disturbances occurred at Whatcom, on the Sound, about the 7th instant, in which one man was killed. The steamer Massachusetts proceeded immediately to the spot and arrested the ring leaders. Four Indians were killed in the melee at Whatcom, and the remaining offenders have been turned over to the civil authority.

This prompt action has restored quiet to the country around Whatcom.

I am, sir, very respectfully, your obedient servant.

W. S. HARNEY,

*Brigadier General Commanding.*

ASSISTANT ADJUTANT GENERAL,

*Headquarters of the Army, New York city.*

11 a.

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., August 8, 1859.*

COLONEL: The general commanding instructs you to take such supplies from Bellingham and Townsend, for your command on San Juan, as it may require, and any deficiencies make up from Steilacoom.

You are authorized to strengthen your position on San Juan by the four companies of the 3d artillery now en route to Steilacoom, should you conceive the necessity demands it.

It is not the general's intention to reoccupy either Bellingham or Townsend; consequently, as soon as you can conveniently do so, have all the public property from those posts transferred to San Juan and Steilacoom, according to the wants of the service.

The application for Mr. Goldsborough's services as clerk on the steamer Massachusetts to the officer in charge of the public property, has been favorably endorsed and transmitted to the Adjutant General for the approval of the Secretary of War, under General Orders No. 13, from the War Department, of this year.

Mr. Goldsborough can be retained in the service until the application is acknowledged.

I am, colonel, very respectfully, your obedient servant,

A. PLEASANTON,

*Captain 2d Dragoons, Acting Assistant Adjutant General.*

Lieutenant Colonel S. CASEY,

*9th Infantry, commanding United States troops,  
San Juan Island, W. T.*

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11 b.

CAMP PICKETT,

*San Juan Island, W. T., August 12, 1859.*

CAPTAIN: I have the honor to report that, in obedience to orders received from department headquarters, I left Fort Steilacoom on the steamer Julia on the 9th instant, (the morning after the receipt of the order,) with my command. In a short time after leaving we were met by the steamer "Active," on her way to Fort Steilacoom, for the purpose of communicating to me the state of affairs on the island. I was strongly and solemnly advised by Captain Alden, in view of the momentous consequences that might arise, not to land any troops on the island, as this would be prevented by the British steamship-of-war "Tribune," who, with her fires constantly kept up, was lying with her broadside on the landing.

Although fully appreciating the terrible consequences of a hostile collision with our quasi enemy, which would probably be no less than involving two great nations in war, I did not under the circumstances, however, consider myself at liberty to disregard my orders, and accordingly resolved to land under the guns of the frigate. The commencing hostilities should be on their side. We left Port Townsend about 12 o'clock the night of the 9th, expecting to reach San Juan early on the morning of the 10th. The fog, however, came up so dense that we did not make the island of San Juan until about 7 o'clock the morning of the 10th.

After hugging the shore for a few miles, I was informed by the captain that we were but a short distance from Captain Pickett's camp, and that it was difficult to get along on account of the fog, and that moreover, the tide was so low that he would not have been able to have gotten up to the wharf at the landing for several hours.

Finding ourselves a smooth place near the land, with the coast so depressed at the point as to make the ascent from the shore easy, I landed the troops and howitzers, with orders to the senior officer to move them to Captain Pickett's camp. I proceeded on the steamer around to the wharf, taking with me my adjutant and a small guard for the howitzer ammunition and other public property.

I found the Tribune lying as has been described. They did not interfere with the landing of our freight. Whether they would have interfered with the landing of the troops I cannot say. It is Captain Pickett's opinion that they would.

Before I had landed from the steamer I received a message from

Captain Pickett, by one of his officers, requesting my presence at once in camp. The captain pointed out to me a British war steamer, ascertained afterwards to be the "Satellite," which he was under the impression was about taking a position to shell the camp. The camp is situated on a narrow neck of land opposite to the harbor, and distant about two-thirds of a mile. The "Tribune," lying in the harbor, has on board several hundred men, composed of marines, royal artillery, and sappers and miners. He expected the land attack from the harbor side, and was prepared to fire upon them with his howitzers and then spike them, deliver his fire with his musketry, and retreat to the woods. Not having time to form any well considered plan of my own, with regard to the state of affairs, I did not countermand the directions that Captain Pickett had given.

Seeing the danger of a collision at any moment, which would inevitably lead to war between two mighty nations connected by so many common bonds, and whichever way it might terminate would be eminently disastrous to the cause of civilization and the interests of humanity, I resolved to make an attempt to prevent so great a calamity. I sent an officer aboard the "Tribune" with a request that Captain Hornby, the commander, would call on me at my camp for the purpose of a conference.

The message returned to me by Captain Hornby was, that he was much engaged at that time, and would come if he could conveniently, but would be happy to see me on board his vessel. However, in a few hours the captain came, accompanied by Captain Provost, the British, and Mr. Campbell, the United States commissioner.

I informed Captain Hornby that I had landed that morning with a force of United States troops, and explained to him the reason why I had not landed at the wharf, under the guns of the frigate. I also said to him that I regretted that Captain Pickett had been so much harassed and threatened in the position he had occupied.

I inquired of Captain Hornby who the officer highest in command was, and where he was to be found. He said it was Admiral Baynes, and that he was then on board the flag-ship "Ganges," in Esquimault harbor. I intimated a wish to have a conference with the admiral, and that I would go down to Esquimault the next day for the purpose of the interview. Both the captain and the British commissioner seemed pleased. The next day, accompanied by Captain Pickett (both of us in full uniform) and Mr. Campbell, I went down to Esquimault on the steamer Shubrick. We anchored near the "Ganges," and I sent to the admiral, by an officer, the note marked "A." I received in reply the note marked "B." The note marked "C" was taken on board by Captain Pickett and handed to the admiral in person. The captain was courteously received by the admiral. Governor Douglas was present in the cabin. After reading the note the admiral handed it to the governor. The governor inquired if I knew he was on board the ship. The captain replied that he had no reason to suppose I did, but that I had not sought an interview with him, but with the admiral. The captain informed the admiral that the steamer was then firing up, but that I would be happy to wait should he then decide to give me the conference. It was declined, but the admiral reiterated his desire that he would be happy to see me on board the ship. I was of the opinion

that I had carried etiquette far enough in going 25 miles to see a gentleman who was disinclined to come 100 yards to see me.

The proposition which I intended to have made the admiral was this: to calm the rising excitement on both sides among the people, and to give time for the intentions of the home government to be made known in regard to the matter. I intended to propose that in case he, the admiral, would pass his word on honor that no threats should be made or molestation given by the force under his command for the purpose of preventing Captain Pickett from carrying out the orders and instructions with which he is intrusted, I would recommend to the commanding general the withdrawal of the reinforcement which had landed on the island under my command, and that affairs should so remain until the sovereign authorities should announce their intentions. I have so far had no further intercourse with any of the officers of the fleet. Lieutenant Kellogg, 3d artillery, being at Fort Steilacoom on the reception of your order, I directed him to accompany me in charge of the artillery. I trust that, under the circumstances, the general commanding will approve my course in the matter.

The "Massachusetts" arrived to-day with Major Haller's command on board. Inasmuch as most of the subsistence stores here are spoiled, having been damaged on board the "Massachusetts" before she landed them at Bellingham Bay, and the articles of the quartermaster's department being required, I shall direct the "Massachusetts" to proceed, as soon as the guns can be landed, to Fort Townsend, and take from there all the public property, leaving a sergeant and two or three privates to take care of the buildings and garden.

I inclose a list of the ships and men which the British have in this vicinity. I would advise that the general send an officer express to San Francisco, requesting the naval captain in command to send up any ships-of-war he may have on the coast. It is not pleasant to be at the mercy of any one who is liable at any moment to become your open enemy. The British have a sufficient naval force here to effectually blockade this island when they choose. I do not know what the intentions of the British naval authorities with respect to this island are. I shall resist any attack they may make upon my position. I request that five full companies of regular troops, with an officer of engineers and a detachment of sappers, be sent here as soon as possible. Let Lieutenant Kellogg's be one of the companies. I have inclosed copies of communications from Major Haller with regard to his operations with the Indians. I think the major exercised a commendable enterprise in his operations, and that there will be no further difficulty.

Very respectfully, your obedient servant,

SILAS CASEY,

*Lieutenant Colonel 9th Infantry.*

Captain ALFRED PLEASANTON,

*Acting Assistant Adjutant General, Fort Vancouver, W. T.*

[Inclosures.]

1. Colonel Casey to Admiral Baynes, August 11.
2. Admiral Baynes to Colonel Casey, August 11.
3. Colonel Casey to Admiral Baynes, August 11.
4. Statement of British forces at San Juan.

## 11 b 1.—A.

UNITED STATES STEAMER SHUBRICK,  
*Esquimault Harbor, W. T., August 11, 1859.*

Lieutenant Colonel Casey, United States army, commanding the forces on San Juan island, presents his compliments to Admiral Baynes, commanding her Britannic Majesty's naval forces on the Pacific coast, and would be happy to meet the admiral in conference on board the United States steamer Shubrick, in the harbor, at his earliest convenience.

## 11 b 2.—B.

“GANGES,”

*Esquimault, W. T., August 11, 1859.*

Rear-Admiral Baynes presents his compliments to Lieutenant Colonel Casey, and regrets that circumstances prevent him doing himself the honor of meeting Lieutenant Colonel Casey on board the Shubrick. But Rear-Admiral Baynes will have great pleasure in receiving Lieutenant Colonel Casey, or any one who may wish to accompany him on board the Ganges.

Lieutenant Colonel CASEY,  
*United States Army.*

## 11 b 3.—C.

UNITED STATES STEAMER SHUBRICK,  
*Esquimault Harbor, W. T.*

Lieutenant Colonel Casey regrets that circumstances prevent Rear-Admiral Baynes from accepting his invitation to meet him on board the Shubrick according to his request.

## 11 b 4.

*Her Britannic Majesty's Fleet at Vancouver's Island and in its vicinity,  
Rear-Admiral Baynes commanding.*

Name of vessel	No of guns.	Men.	Name of captains.
Flag-ship Ganges.....	84	840	Slavel.
Tribune.....	31	325	Geoffrey Phipps Hornby.
Pylades.....	21	325	De Courcey.
Satellite.....	21	325	James Prevost.
Plumper.....	10	125	Richards.
	167	1,940	

The Tribune, now at anchor in the harbor of San Juan has, in addition to her own crew, a detachment of sappers and miners and marines brought down from Frazer's river on the 30th July by the steamer Plumper, numbering 200; total, 2,140.

The relative caliber of the Ganges guns unknown; she is one of



the old-fashioned line of battle-ships, 35 years old. Tribune has 22 32-pounders, 9 68-pounders, 1 of them a pivot-gun. Pylades and Satellite are 68-pounders, 20 broadside, 1 pivot; they are the new class of corvettes of which the English are building a great number.

Plumper is a surveying vessel; the armament is comparatively light, the guns are all 32-pounders.

On board the fleet there are above 500 troops, 100 of that number being sappers and miners, the rest marines.

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11 c.

HEADQUARTERS CAMP PICKETT,  
*San Juan Island, W. T., August 14, 1859.*

CAPTAIN: I have the honor to acknowledge the receipt of your two communications dated the 8th of August, and also Special Orders No. 82. Since my last, nothing of moment has transpired. The "Tribune" and "Satellite" are now in the harbor, with their broadsides on the landing. I have not been informed what the intentions of the British force in these waters are, but am of the opinion, however, that they have concluded to wait for further instructions from higher authority before any violence is attempted. However, it is a wise maxim "to be prepared for the worst, while hoping for the best." I shall accordingly direct the four companies of artillery at Steilacoom to join me at once. In a former communication I asked for five companies and an engineer officer, with a detachment of sappers. I would like to have them sent around on board the United States steamer "Active," which Captain Alden has kindly placed at my disposal for carrying this dispatch. The service of the engineer officer and the detachment of sappers would most probably be required but a short time. We are encamped in rather an exposed situation with regard to the wind, being at the entrance to the Straits of Fuca. The weather, at times, is already quite inclement. To maintain the object of our occupation I do not, however, from my present information, think it advisable to change my position. I have inclosed requisition for "Sibley" tents, with stoves and quartermaster's stores, which I would like to be forwarded by the "Active" on her return. I have also inclosed a requisition for subsistence stores, which should be sent to Fort Steilacoom as soon as they can be supplied from San Francisco. In view of the possible contingencies of the service, it was my intention to draw from Steilacoom, as a depot, supplies as they would be needed. The "Massachusetts" landed her guns and ammunition yesterday. I have directed that she leave to-day for Port Townsend and bring all the supplies from the port to this point, leaving there a sergeant and two men to take care of the public buildings and garden. I shall place the 32-pounders in position as soon as possible. With our present appliances I find them rather difficult to manage.

Very respectfully your obedient servant,

SILAS CASEY, *Lt. Col. 9th Infantry,*  
*Commanding U. S. Troops on San Juan Island.*

Capt. ALFRED PLEASANTON, *A. A. Adj't Gen'l,*  
*Headquarters Dep't of Oregon, Fort Vancouver, W. T.*



11 d.

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., August 16, 1859.*

COLONEL: The general commanding has received your reports of the 12th and 14th instant, and accompanying papers, and instructs me to reply as follows:

The supplies and stores required for the command at San Juan island will be forwarded as soon as practicable; the camp and garrison equipage will be shipped on the "Active."

The course pursued by you in ordering the four companies from Steilacoom to San Juan island is approved.

A detachment of engineers will be sent you by the mail steamer; in the meantime have platforms made for your heavy guns, and cover your camp as much as possible by intrenchment, placing your heavy guns in battery on the most exposed approaches; the howitzers to be used to the best advantage with the troops, or in the camp, according to circumstances.

Select your position with the greatest care to avoid the fire from the British ships. In such a position your command should be able to defend itself against any force the British may land. The general has requested a naval force from the senior officer on this coast, and has notified General Clarke, as well as the authorities at Washington, of the existing state of affairs on the Sound. Troops and supplies will be sent to you as fast as they can be collected.

The general regrets, under all the circumstances, your visit to Esquimault harbor to see the British admiral, but is satisfied of your generous intention towards them. He instructs you for the future to refer all official communication desired by the British authorities to these headquarters, informing them at the same time that such are your orders. It is almost needless to inform you that the subjects of Great Britain on San Juan island will be treated with the same consideration and respect that is shown to our own citizens.

I am, colonel, very respectfully, your obedient servant,

A. PLEASANTON,

*Capt. 2d Dragoons, A. A. Adj't Gen'l.*

Lieut. Col. S. CASEY, *9th Infantry,*

*Com'd'g U. S. Troops, San Juan Island, Puget's Sound.*

11 e.

EXECUTIVE OFFICE, OLYMPIA, W. T.,  
*August 11, 1859.*

SIR: By yesterday's mail I had the honor of receiving your favor of the 7th instant, inclosing copies of your "orders to Colonel Casey," "the proclamation of Governor Douglas, and your reply to the same."

Among other things you have been pleased to inform me that you have authorized Colonel Casey to call for volunteers, and that you "feel assured of my cordial coöperation whenever an emergency may demand it."

Reciprocating the frankness of your communication, I have to reply that, should the contemplated emergency arise, your just expectations of the course to be pursued by myself shall *not* be disappointed, and that in such an event I have an abiding faith that the citizens of this Territory will with enthusiastic alacrity respond to any call necessary for the defense of individual rights, the rights of their country, or their country's honor.

I am, general, most respectfully, your obedient servant,

R. D. GHOLSON,

*Governor Washington Territory.*

Brigadier General W. S. HARNEY,

*Headquarters Department of Oregon, Fort Vancouver, W. T.*

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11 f.

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., August 16, 1859.*

MY DEAR SIR: Your communication of the 14th instant has just been received and I hasten to place you in possession of the facts connected with the occupation of San Juan island by some of the troops of my command. This step would have been taken before but I was informed you were en route to Washington.

I inclose for your information a copy of a protest issued by Governor Douglas, commander-in-chief of the island of Vancouver, to the occupation of San Juan island and claiming the sovereignty of said island for the crown of Great Britain, also a copy of my letter to Governor Douglas in reply to his protest.

You will perceive that in my reply to Governor Douglas, I charge the British authorities of Vancouver's island with having violated the rights of American citizens on the island of San Juan in such a manner and by such means as to leave me no other alternative than to occupy the island for the protection of American interests. In assuming this responsibility I was careful to state distinctly and fully to Governor Douglas the position of my troops on the island of San Juan, and I reiterate to you that the relative claims of the two countries has had nothing to do in the assignment of the troops in question. The British authorities chose to violate treaty stipulations made in good faith and maintained by the United States in good faith—by attempting to arrest an American citizen on San Juan island to carry him to Victoria to be tried by British laws; to prevent a repetition of this outrage, until the government of the United States could be apprised of it, I have placed troops on the island with such orders as I have deemed necessary to effect this object.

With the question of boundary between the United States and Great Britain I disclaim having done anything with respect to it in occupying San Juan island. Great Britain has no sovereignty over American citizens on San Juan island, and every attempt made by her authorities to advance such claims I shall resist, until further orders from the President, to whom I have submitted the whole matter; in the meantime I hope the labors of your joint commission will be prosecuted amicably and successfully, for I can assure you that no one is more desirous of facilitating your labors than myself.

I am, sir, with high respect, your obedient servant,

W. S. HARNEY,

*Brigadier General, Commanding.*

ARCHIBALD CAMPBELL, Esq.,

*United States Commissioner Northwest Boundary,  
Harbor San Juan island, Puget's Sound.*

## 12. *General Harney to the Adjutant General.*

HEADQUARTERS DEPARTMENT OF OREGON,

*Fort Vancouver, W. T., August 25, 1859.*

COLONEL: I have the honor to inclose a copy of a dispatch from his excellency Governor Douglas, of her Britannic Majesty's island of Vancouver; also a copy of my reply to the same, both of which papers I request may be submitted for the information of the President of the United States, at your earliest convenience.

Governor Douglas denies that the British authorities of Vancouver's Island were cognizant of the outrage attempted upon an American citizen on San Juan island, as reported in my communication to the headquarters of the army, of July 19, and my letter to you of the 7th instant. This denial, couched as it is in strong language, does not explain how a British ship-of-war did convey Mr. Dallas, the chief factor of the Hudson's Bay Company, and son-in-law of Governor Douglas, to San Juan island; that Mr. Dallas landed and threatened an American citizen by the name of Coulter, with imprisonment at Victoria, to which place he would be taken in the ship-of-war waiting for him. This threat was not put into execution for the reason that Coulter told Mr. Dallas if it was attempted he would kill Mr. Dallas on the spot. But Mr. Dallas having left the island in the ship-of-war, the conclusion is irresistible that Mr. Dallas either had the ship-of-war under his control by some direct authority from the British authorities, or he was acting independent of that authority in the exercise of powers delegated to him elsewhere.

If Mr. Dallas can use a British ship-of-war to overlook the interests of the Hudson's Bay Company on this coast, without the authority of Governor Douglas or the British admiral, which is just what he has done, according to the facts and Governor Douglas' dispatch, then the interests and rights of our citizens have been in greater jeopardy than I have heretofore supposed, and the necessity of retaining the occupation of San Juan island is still more imperative.

Governor Douglas has opposed the occupation of San Juan on the ground of sovereignty, and lays great stress upon Mr. Marcy's dispatch of July 17, 1855, to her Majesty's minister at Washington.

In a communication to Commissioner Campbell, of the northwest boundary survey, I have disclaimed any intention of asserting any sovereignty over the island of San Juan, beyond that which the necessity of the case has demanded. A copy of this communication has already been sent to you.

Mr. Marcy's instructions in reference to the conduct of officers of the two governments, never contemplated the case of a direct aggression on the rights of our people, backed by so powerful a naval force as to create strong surmises of its intentions. Indeed, so extraordinary has been the course of conduct of the British in reference to San Juan, and so evident has been their design to force our people from the island, that I should consider I had been recreant to the high trust imposed on me, in not taking possession of the island, it being the only position from which we could defend our rights to advantage.

Eight companies are now on the island with eight 32-pounders landed from the steamer Massachusetts. A detachment of engineer troops are engaged with the troops in constructing a field-work to defend their position, at the same time protect them from any fire from the water. This command is fully supplied for over two months, and is considered now to be able to hold its own in the event of any difficulty until reinforcements could arrive.

I inclose a copy of Governor Douglas' message to the legislature of Vancouver's Island; also of "The British Colonies," the government paper published at Victoria, giving an account of the proceedings of the assembly in relation to San Juan; also an editorial, complaining that an error had been committed by somebody on their side. Our quick-witted people were aware of that fact nearly two months ago.

I am colonel, very respectfully, your obedient servant,

WM. S. HARNEY,

*Brigadier General Commanding.*

Colonel S. COOPER,

*Adjutant General U. S. Army, Washington City, D. C.*

12 a.

GOVERNMENT HOUSE,  
*Victoria, Vancouver's Island, August 13, 1859.*

SIR: On the evening of the 10th instant I had the honor of receiving your dispatch, dated Fort Vancouver, August 6, 1859.

2. In reply thereto, I must thank you for the frank and straightforward manner in which you communicate to me your reasons for occupying the island of San Juan, on the Haro archipelego, with a portion of the military forces of the United States under your command.

3. I am glad to find that you have done so under your general instructions from the President of the United States as military commander of the department of Oregon, and not by direct authority from the cabinet at Washington.

4. You state that the reasons which induced you to take that course are the "insults and indignities which the British authorities of Vancouver's Island and the establishment of the Hudson's Bay Company have recently offered to American citizens residing on the island of San Juan, by sending a British ship-of-war from Vancouver's Island to convey the chief factor of the Hudson's Bay Company to San Juan, for the purpose of seizing an American citizen and forcibly transporting him to Vancouver's Island to be tried by British laws."

5. I will explain for your information that the agents of the Hudson's Bay Company hold no official position in Vancouver's Island, nor exercise any official power or authority, and are as entirely distinct from the officers of the executive government as are any of the other inhabitants of Vancouver's Island.

6. To the reported outrage on an American citizen I beg to give the most unhesitating and unqualified denial.

None of her Majesty's ships have ever been sent to convey the chief factor or any officer of the Hudson's Bay Company to San Juan for the purpose of seizing an American citizen, nor has any attempt ever been made to seize an American citizen and to transport him forcibly to Vancouver's Island for trial, as represented by you.

7. Up to a very recent period but one American citizen has been resident on San Juan. About the commencement of the present year a few American citizens began to "squat" upon the island, and upon one occasion a complaint was made to me by a British subject of some wrong committed against his property by an American citizen, but no attention was paid to that complaint out of consideration and respect to the friendly government to which the alleged offender belonged, and whose citizens, I think, it cannot be denied, have always been treated with marked attention by all the British authorities in these parts.

With reference to San Juan, in particular, I have always acted with the utmost caution, to prevent, so far as might lie in my power, any ill feeling arising from collisions between British subjects and American citizens, and have in that respect cordially endeavored to carry out the views of the United States government as expressed in a dispatch from Mr. Marcy, dated 17th July, 1855, to her Majesty's minister at Washington, a copy of which I herewith inclose for your information, as I presume that the document cannot be in your possession.

8. Following the dignified policy recommended by that dispatch, I should, in any well-grounded case of complaint against an American citizen, have referred the matter to the federal authorities in Washington Territory, well assured that if wrong had been committed reparation would have followed.

9. I deeply regret that you did not communicate with me for information upon the subject of the alleged grievance; you would then have learned how unfounded was the complaint, and the grave action you have adopted might have been avoided. I also deeply regret that you did not mention the matter verbally to me when I had the pleasure of seeing you at Victoria last month; for a few words from me would, I am sure, have removed from your mind any erroneous impressions, and you would have ascertained personally from me how

anxious I have ever been to coöperate to the utmost of my power with the officers of the United States government in any measures which might be mutually beneficial to the citizens of the two countries.

10. Having given you a distinct and emphatic denial of the circumstances, which you allege induced you to occupy the island of San Juan with United States troops; having shown you that the reasons you assign do not exist, and having endeavored to assure you of my readiness on all occasions to act for the protection of American citizens and for the promotion of their welfare, I must call upon you, sir, if not as a matter of right at least as a matter of justice and of humanity, to withdraw the troops now quartered upon the island of San Juan, for those troops are not required for the protection of American citizens against British authorities, and the continuance of those troops upon an island, the sovereignty of which is in dispute, not only is a marked discourtesy to a friendly government, but complicates to an undue degree the settlement in an amicable manner of the question of sovereignty, and is also calculated to provoke a collision between the military forces of two friendly nations in a distant part of the world.

I have the honor to be, sir, your most obedient servant,

JAMES DOUGLAS.

Brigadier General W. S. HARNEY,

*Commanding the troops in the Department of Oregon.*

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12 b.

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., August 24, 1859.*

SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant, which came to me by mail this morning. The copy of Mr. Marcy's dispatch of the 17th July, 1855, to her Majesty's minister at Washington, stated to be in your communication inclosed, was not received. This I presume was an accidental omission in the transmission of your letter.

It was with pleasure I received from your excellency a prompt disavowal of any intention on the part of the British authorities of Vancouver's Island to commit any aggression upon the rights of American citizens residing on San Juan island, and I desire to communicate to you that I shall forward this dispatch by the first opportunity to the President of the United States, to enable him to consider it in connection with all the facts duly reported to him, attending the occupation of San Juan island by a portion of the troops under my command.

Your excellency has been pleased to express how anxious you have ever been to coöperate with the officers of the United States government in any measures which might be mutually beneficial to the citizens of the two countries, and your regret is signified, that communication with you on the subject of the occupation of San Juan island had not been sought during my late agreeable visit to your excellency at Victoria.

I beg to offer in reply that I have cordially reciprocated the sentiments of friendship and good will you have manifested towards American interests from the period of my service with this command. In



that time I have on two different occasions notified the government of the United States of your acts affecting our citizens in terms of commendation and praise as assurances of a proper appreciation of the confidence reposed by my government in that of her Majesty. On my late visit to Victoria I was without knowledge that any occurrence had taken place on San Juan island to outrage the feelings of its inhabitants, else I should then have informed your excellency what I conceived it became incumbent for me to do under such circumstances.

The explanation your excellency has advanced, while it serves to remove the impression at first created of a direct action on the part of the British authorities of Vancouver's Island in the recent occurrences on San Juan island against the rights of our citizens, does not expose any evidence of a preventive nature to a repetition of the acts which have caused so serious a misunderstanding in the minds of the American people on San Juan island; nor has the course which events have taken since the occupation of the island by the troops of my command been of such character as to reassure these people, could the contents of your dispatch be announced to them.

From what has taken place, I do not feel myself qualified to withdraw the present command from San Juan island, until the pleasure of the President of the United States has been made known on the subject; I can, however, frankly assure your excellency that the same motives which have induced me to listen to the appeals of my own countrymen will be exerted in causing the rights of her Majesty's subjects on San Juan to be held inviolate.

I have the honor to be, very respectfully, your obedient servant,

W. S. HARNEY,

*Brigadier General United States Army Commanding.*

His excellency JAMES DOUGLAS,

*C. B., Governor of Vancouver's Island*

*and its dependencies, Vice-Admiral of the same, &c.*

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12 c.

GOVERNMENT HOUSE,

*Victoria, August 3, 1859.*

*To the Legislative Council and House of Assembly  
of the Colony of Vancouver's Island:*

GENTLEMEN: I have to communicate for your information the intelligence of the landing of a detachment of United States troops on the island of San Juan, avowedly (see inclosed Nos. 1 and 2) for the purpose of forming a military post, and of asserting the sovereignty of the United States to that island. Having received no information from any quarter that the United States ever contemplated taking military possession of any part of the disputed territory, while the boundary line remained unsettled, I am forced to believe that the late unwarrantable and discourteous act, so contrary to the usages of civilized nations, has originated in error, and been undertaken without the

authority of that government. That impression is corroborated by a letter (a copy of which is here inclosed) from the Hon. W. L. Marcy, Secretary of the United States, dated Washington, July 12, 1855, to her Majesty's minister at Washington, which contains instructions from the President of the United States to the governor of Washington Territory, and displays, in the clearest manner, the conciliatory and moderate views entertained by his government on the subject of the disputed territory.

Though the right of Great Britain to all the islands situated to the westward of "Vancouver" or "Rosario" straits is, to our minds, clearly established by the first article of the treaty of 1846, and though those islands have, since the foundation of this colony, been considered as a dependency of Vancouver's Island, it is well known to you, gentlemen, that out of respect to the construction that has been put upon that treaty by the government of the United States we have abstained from exercising exclusive sovereignty over them. Convinced that any assumption, on either side, of exclusive right to the disputed territory would simply be a fruitless and mischievous waste of energy, neither detracting from nor adding force to the claims of either nation, wise and considerate policy enjoins upon us the part of leaving so important a national question for settlement by the proper authorities, and of avoiding complications foreign to the views and wishes of and probably embarrassing to both governments. Immediately on being informed of the landing of the United States troops at San Juan, her Majesty's ship "Tribune," under the command of Captain Horuby, was dispatched to that quarter, and soon after a detachment of royal engineers and royal marine light infantry were ordered from New Westminster by her Majesty's ship "Plumper," Captain Richards, and those troops will be landed at San Juan to protect the lives and property of British subjects. You will observe, gentlemen, from inclosure No. 1, that the captain in command of the United States detachment of troops, in a public notice, dated 27th of July, assumes the exercise of exclusive sovereign rights in the island of San Juan, while the President of the United States altogether disclaims such pretensions, and seeks at most to continue the joint right of sovereignty and domain in common with Great Britain. We may presume from that circumstance that the notice in question was framed in ignorance of the intentions of the United States government, and that the pretensions set forth will not be maintained. Entertaining such opinions, I have not failed to impress on her Majesty's naval officers now stationed at San Juan the desire of her Majesty's government to avoid every course which may unnecessarily involve the suspension of the amicable relations subsisting between Great Britain and the United States. At the same time, those officers have been instructed and are prepared to assert the rights and to maintain the honor and dignity of our sovereign and her dominions.

I have the honor to be, gentlemen, your most obedient servant,

JAMES DOUGLAS.

12 d.

[From the "British Colonist," Victoria, August 17, 1859.]

*Reply to Governor's Message about San Juan.*

VICTORIA, V. I.,

*House of Assembly, Friday, August 12, 1859.*

Mr. Speaker, learning that neither Mr. Skinner nor Mr. Pemberton intended to insist on their motion as regards San Juan, had prepared a reply to the message. He considered that a great mistake had been made by the government in sending out men to settle the boundary. Common sense and dollars should have been sent. The dollar the Americans worship. If dollars had been used, a different interpretation of the treaty might have been made. Why not have made the proceeding a mere mercantile affair and paid the commissioner? Then the island would have been ours and the Americans would have clearly seen the justice of our claim. But a general on his own authority had invaded our territory. His grounds for doing so were based on falsehood and carried out clandestinely. What more could be expected of a man who has spent a lifetime in warring with Indians? But what is to be done? His excellency sends troops and ships. Why all this expense and show if for parade? Why were not the troops landed? Instead of fighting, her Majesty's captains take to diplomacy. It shames me to think that the Satellite was running around after Commissioner Campbell. I am ashamed to think that post captains were holding a pow-wow with a subaltern of the American army. They should have landed their troops and avoided all degrading negotiations. But more troops have landed in spite of post captains and admirals. (Here he read some extracts from the Blue Book of British Columbia enjoining the necessity of accustoming the colonists to defend themselves.) Yes, a militia must be raised. We must defend ourselves, for the position we occupy to-day would make the iron monument of Wellington weep, and the stony statue of Nelson bend his brow.

The reply to the message was then read. Mr. Yates argued with a part of the address; but could not understand why the honorable speaker had said in it that the time to land troops has gone by. My motion is to learn why they were not landed. The time to land them was when there was no danger of blood being shed. Now, perhaps, the case is different.

Mr. Pemberton. I am not sure that the time to land troops has gone by. If it has not, I recommend his excellency to land them. That portion of the address in relation to militia I would leave out. If we asked the home government for arms for the militia, they would be likely to send us some old muskets from the Tower 150 years old. No allusion has been made to British subjects occupying the island. I think it necessary.

Mr. Speaker. I think there was a council on board the flag-ship. His excellency was present. Negotiations was the object, perhaps, as American officers had arrived on the Shubrick. I would not hold any negotiations with so dishonorable a man as Campbell. I have not said

anything in the address about San Juan as the key to British Columbia. I leave that to his excellency.

Mr. Yates preferred negotiation to war. I believe the powers that be have been too slow, and put the governor in a false position. My motion is to learn who is to blame.

Mr. Pemberton believed a few soldiers, if supported by a man-of-war, could land without danger of collision.

Mr. McKay was favorable to landing troops at all hazards.

Mr. Speaker had no doubt the naval officers had said: Now, Mr. Pickett, will you allow us to land?

Mr. Pemberton thought the colony would be benefited by the difficulty. A large naval station would be built here, and everything would be removed from Valparaiso.

Mr. Speaker thought the honorable member very patriotic in taking such an interested view of the question. He cared nothing for the paltry local advantages. It is a national question, and in that light alone he looked at it.

Mr. Pemberton proposed the occupation of Lopez island by British troops.

After some amendments to the address, the following to the governor's message was then adopted:

#### ADDRESS.

The house acknowledges the receipt of your excellency's communication of the 3d instant relating to the clandestine invasion of San Juan island by United States troops, and the steps to be adopted in relation thereto.

Since that communication it is well known that additional forces have been landed.

The house would therefore inquire why the British forces were not landed to assert our just right to the island in question, and to uphold the honor of our country and our Queen.

The house would most urgently impress upon your excellency to enforce upon her Majesty's government the necessity of demanding from the government of the United States not only immediate withdrawal of those troops, but also strenuously and at all risks to maintain her right to the island in question, and also to all other islands in the same archipelago, now so clandestinely, dishonorably, and dishonestly invaded.

It is not for our country to be wantonly and insolently insulted, but redress must be demanded.

The weakness of the colony is its greatest danger, and, at the same time, an inducement for the repetition of similar offenses by similar persons. Let it, therefore, be urged upon her Majesty's government that sending out colonists rapidly from Great Britain is the surest way, not only of maintaining peace, but of preserving intact her Majesty's possessions. Coupled with this, the house would propose that free and liberal grants of land be given to such emigrants after settling thereon for a certain time.

12 e.

[From the "British Colonist," Victoria, August 17, 1859.]

## WHY WERE NOT TROOPS LANDED AT SAN JUAN?

On our first page will be found the assembly debate on the governor's message in relation to landing soldiers on San Juan. From the severe strictures passed on our naval officers by the speaker, who is taken as the exponent of the government, it is evident that a serious difference of opinion as to our policy exists between the naval and civil authorities. It is difficult to imagine how so high an official could use such language except from information derived from official sources; and it is still more difficult to believe, as suggested by the chairman during debate, that the naval authorities had refused to land when they had no discretionary instructions. If they had full instructions to land, the unenviable position of the government, since the publication of the message, is justly chargeable to them. If, on the other hand, they were governed by discretionary instructions, the charges against the commanders of her Majesty's ships for equivocal conduct is justly reprehensible. No future explanation, however, can explain away the palpable inference which will be drawn from the language used in debate.

An error has been committed by somebody. Either the administration should have been satisfied with a pacific policy, manifested by serving the United States authorities with a formal protest or an assertion of our sovereignty in the first place, and then have allowed the matter to rest till dispatches were received from the imperial government, or it should at once have landed troops on the island, without making such a display of force or asking permission. We confess that we are not disposed to accept peace at any price; for if that were the case, cowardice would be the safest policy. We do, however, concur with the opinion expressed in the message that our forces should have been landed. The Americans took the ground that their citizens required protection, and that they landed troops with that object. Now, in order to protect British subjects on the island, we also should have done the same. Then our position would have been exactly similar to theirs. On this high ground, had bloodshed followed, we could have appealed to the world, with right on our side, certain of a verdict in our favor. As it is, the Americans have been allowed to strengthen their forces with men, munitions of war, and settlers, and actually occupy private property long in the possession of British subjects, whilst we, apparently divided in our councils, have made a grand and useless parade, and done nothing but render ourselves ridiculous. Whoever are the parties, or whatever are the causes why a vigorous and firm policy has not been pursued, it is certain an explanation is due to account for the charges made against the naval forces in our waters.

In the meantime some action ought to be taken by the people to show the deep interest we have in San Juan, and that we are determined to protect our fellow-subjects on the island. In addition, it is necessary to arouse our sister colonies to the importance of the island



to British America, and show to the imperial government the necessity of holding the island to guard the overland transit from Great Britain to her Asiatic dependencies.

It matters not what may or may not have been said by British or American statesmen in relation to the reputed claims to Canal de Haro or Rosario straits. We are forced to abide by the treaty. If the United States knew all about Canal de Haro at the time of the treaty, and that the line was deflected from the 49th parallel, so as not to divide the sovereignty of this island, then why was it not named as the boundary? On the other hand, had Rosario strait been thoroughly known and fixed on as the channel by the negotiants, it would have been in the treaty. Finding neither one nor the other there; finding no *ship* channel or *main* channel named in the treaty, but finding four channels leading north from the Straits of Fuca, and that the only channel named in the treaty is that which separates the continent from this island, we see no way for a pacific adjustment, except making Washington channel, between San Juan and Lopez, the boundary. That we justly claim.

### 13. *General Harney to the Adjutant General.*

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., August 29, 1859.*

COLONEL: I have the honor to inclose a copy of Mr. Marcy's dispatch,\* referred to in Governor Douglas' communication to me of the 13th instant, which was received on the night of the 27th instant, with a note from William A. G. Young, esq., acting colonial secretary, a copy of the same being also inclosed.

My communication of the 24th instant had been sent to Governor Douglas before Mr. Young's note and its inclosure were received. The instructions of this document from Mr. Marcy have no bearing upon the question at issue between the British authorities of Vancouver's Island and myself at this time; and my answer to Governor Douglas of the 24th instant would appear as it is, had this copy of Mr. Marcy's dispatch accompanied the Governor's letter of the 13th instant.

The spirit of Mr. Marcy's instructions, when carried out in good faith by the functionaries and citizens of both countries, I not only most heartily approve, but I am satisfied my conduct will stand the most critical and searching investigation in the support of that approval.

From the time of my assuming the command of this department until the occupation of San Juan island I was most careful neither to increase nor change the position of the force on Puget's Sound, that there might be no misconceptions of my acts, on the part of the British, of the good faith which animated me in the observance of treaty stipulations. Time and again our light-houses were attacked, and the wives and children of our citizens on that coast were brutally murdered by British Indians. Reports reached me that these Indians had been

\* See Nos. 1 and 2 of these papers.



instigated to these acts by the Hudson's Bay Company, in order to drive them from the lands which this immense establishment covet for their own purposes. I was well aware of the extent and power of this great commercial monopoly, second only to the East India Company which has crushed out the liberties and existence of so many nations in Asia, and committed barbarities and atrocities for which the annals of crime have no parallel. I knew the exacting policy of the Hudson's Bay Company would not hesitate to adopt any measure deemed necessary to insure their success, for their history had shown this, and the history of our wars with England establish the fact that an Indian alliance is their first requirement. With all these truths before me, I was still reluctant to believe that the Hudson's Bay Company would attempt the violation of the solemn obligations of a treaty, or that the British authorities would permit any action to be taken by the Hudson's Bay Company, in case an attempt was desired by them. Judge, then, of my astonishment and mortification in my late visit to San Juan to find an unworthy advantage had been taken of my forbearance to outrage our people in the most insulting manner.

For this thing was not done in a corner, but in open day. A British ship-of-war lands Mr. Dallas, the chief factor of the Hudson's Bay Company, who abuses one of our citizens in the harshest manner, and threatens to take him by force to Victoria for trial and imprisonment. Finding the citizen resolute in the defense of his rights, the Americans were informed the British Indians would be sent down upon them to drive them from the island. I shall substantiate these facts by the affidavits of American citizens of such position and character as cannot leave a doubt of their truth, and showing the attempted denial of Governor Douglas in his communication of the 13th instant is only a quibble. These affidavits would have been sent before this, but the disturbances at San Juan and the difficulty of communication in this country have delayed their completion.

It is proper also that I should inform you that Captain Alden, of our navy, commanding surveying steamer *Active*, has reported to me a conversation which he held with Governor Douglas since the occupation of San Juan, in which conversation Governor Douglas stated that, in the event of a collision between the forces of the two countries he would not be able to prevent the northern Indians from driving our people from the island. This intimation from Governor Douglas is significant, as indicating the conception of such an action originated before the occupation of the island, and was the foundation of the reports of our people throughout the winter, that I did not consider at the time of sufficient importance as to notice in my official reports. From all the events which have occurred before and since the occupation of San Juan island, I am convinced the British government have instituted a series of acts aiming at the eventual sovereignty of San Juan island, in consequence of its paramount importance as a military and naval station. Its position, in connection with the islands adjacent to it, has induced the English to call it the Cronstadt of the Pacific, and with good reason, for the power that possesses it will command a supremacy on this coast.

In the occupation of San Juan I have assumed a defensive position against the encroachments of the British, either by authority or

through the medium of their Indians, upon the rights, lives, and property of our citizens. I was influenced by no other motive in placing troops upon the island.

In the matter of ownership, I have carefully investigated the treaty of 1846, defining the boundary between Great Britain and the United States, and I have also personally examined the premises in question under the fairest auspices, and I fearlessly assert a stronger title cannot exist than that which the treaty of 1846 establishes for the United States in San Juan, nor do I believe the British would have ever attempted the hazardous game they are now playing, but for the immense prize at stake.

I am, colonel, very respectfully, your obedient servant,

WM. S. HARNEY,

*Brigadier General, Commanding.*

Colonel S. COOPER,

*Adjutant General, Washington City, D. C.*

#### 14. *General Harney to General Scott.*

HEADQUARTERS DEPARTMENT OF OREGON,

*Fort Vancouver, W. T., August 30, 1859.*

SIR: I have the honor to inclose, for the information of the general-in-chief, copies of two reports from Lieutenant Colonel Casey, 9th infantry, commanding on San Juan island.

These reports convey all the intelligence received from San Juan since my report to you of the 18th instant.

The number of troops forming Colonel Casey's command at this time is as follows:

Companies A and C, 4th infantry, and "H" of the 9th.....	139
Companies A, B, D, and M, of 3d artillery.....	181
Company D, 9th infantry.....	66
Company "I," 4th infantry.....	64
Detachment of company "A," engineers.....	11
Aggregate .....	<u>461</u>

Besides this force, Colonel Casey has with him eight 32-pounders, which I ordered to be taken from the steamer Massachusetts.

The ammunition for these guns consists of round shot—grape and canister. Captain Pickett's company took with them to the island one 6-pounder and two mountain howitzers, and Colonel Casey's command from Steilacoom increased that number by three mountain howitzers.

This command is busily engaged placing its position under entrenchment, and has been amply supplied with everything necessary and requisite to maintain itself for nearly three months. From the conformation of the island, and the position occupied by the troops, the

English ships could not remain in the harbor under a fire from the 32-pounders, but would be compelled to take distance in the sound, from whence they could only annoy us by shells, which would be trifling. The English have no force that they could land which would be able to dislodge Colonel Casey's command as now posted.

There is a rumor current that Rear Admiral Baynes has countermanded Governor Douglas' orders to attempt a landing on San Juan by force; nothing official on the subject has reached me.

I am, sir, very respectfully, your obedient servant,

WM. S. HARNEY,

*Brigadier General, Commanding.*

ASSISTANT ADJUTANT GENERAL,

*Headquarters of the Army, New York City.*

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14 a.

HEADQUARTERS CAMP PICKETT,

*San Juan Island, W. T., August 22, 1859.*

CAPTAIN: I have the honor to report that I received by the "Active," Captain Alden, the general's instructions of the 15th of August.

After a personal examination of the ground within a few miles of the harbor, I have taken up a position for a camp, which I think, above all others, will fulfill many of the conditions which I wished to obtain. The subject presented many difficulties.

Were it merely to select a position for an intrenched camp where I would be able with my present force but to sustain myself against a land attack of an enemy, and where, at the same time, I would be secure from the shells of the ships-of-war, the question is solved.

About three and a half miles from the harbor I have discovered a very good position for an intrenched camp, secure from the shells of ships-of-war. But in order to keep the position to which I have just referred, the following alternatives would present themselves: I would either be obliged to give up my present guard at the landing, my position for the 32-pounders which bear upon and my oversight of the harbor, or render the troops whom I might maintain at these positions almost certain to be cut off, in case of a serious land attack, before they could reach the intrenched camp nearly four miles off.

In view of all these circumstances, I have taken up a position near the Hudson's Bay establishment, and shall put my heavy guns in position to bear upon the harbor, and also on vessels which might take a position on the other side. Shells from the shipping may be able to reach us, and we may not be able to protect the camp from them; but I shall try.

The British authorities appear to be very sensitive with regard to anything like fortifying on the island. Owing to the peculiar circumstances of the case, we have none of the advantages which a case of actual war would confer, as regards keeping any action secret from the enemy.

Our every maneuver is closely observed, and I have considered it best to act with circumspection lest a conflict should be forced upon us prematurely.

The general may rest satisfied that I shall give the whole matter my best abilities, and I trust everything will come out right.

Very respectfully, your obedient servant,

SILAS CASEY,

*Lieutenant Colonel 9th Infantry, Commanding Camp.*

Captain ALFRED PLEASANTON, U. S. A.,

*Acting Asst. Adjt. Gen., Dept. of Oregon, Fort Vancouver, W. T.*

14 b.

HEADQUARTERS CAMP PICKETT,

*San Juan Island, W. T., August 22, 1859.*

CAPTAIN: I have the honor to report that I received by the "Northerner" the general's instructions of the 17th and 19th instant.

The "Massachusetts" arrived on the night of the 21st, and she is now unloading the government property from Fort Townsend. I will cause the freight of the "Northerner" to be placed on her, as directed.

I had ordered Major Haller on shore with his company before receiving the general's instructions so to do. It was not my intention to place another company on at present. When I do, I shall be happy to offer the position to Captain Pickett, as I am as fully impressed as the general with the gallant behavior displayed by him during the late difficulties on the island.

I have placed Lieutenant Kellogg, with his company, on duty in charge of all the artillery. That leaves, including Major Haller's, eight companies, which I have formed into an infantry battalion, and shall endeavor to have them efficiently exercised in drill.

Very respectfully, your obedient servant,

SILAS CASEY,

*Lieutenant Colonel 9th Infantry, Commanding Camp.*

Captain ALFRED PLEASANTON,

*Acting Asst. Adjutant General United States Army,*

*Department of Oregon, Fort Vancouver, W. T.*

15. General Harney to Colonel Casey.

HEADQUARTERS DEPARTMENT OF OREGON,

*Fort Vancouver, W. T., September 2, 1859.*

COLONEL: The general commanding instructs me to inclose, for your information, a copy of a communication he addressed to Governor Douglas, under date of the 24th of August, in answer to the governor's letter to himself of the 13th of that month, which you have doubtless seen, it having appeared in the Victoria papers.

From the tenor of this answer you will perceive it is not the inten-

tion of the general commanding to remove any portion of the present force on San Juan island from that position until the orders of the President are communicated on the subject.

You are therefore instructed to make such preparations for the comfort, efficiency, and health of your command as will anticipate a period of at least six months.

I am, colonel, very respectfully, your obedient servant,

A. PLEASANTON,

*Captain 2d Dragoons, A. A. Adjutant General.*

Lieutenant Colonel S. CASEY,

*Ninth Infantry, Commanding Camp Pickett,*

*San Juan Island, Puget's Sound.*

# 16. General Harney to General Scott.

HEADQUARTERS DEPARTMENT OF OREGON,

*Fort Vancouver, W. T., September 14, 1859.*

SIR: I have the honor to inclose, for the information of the general-in-chief, copies of two affidavits verifying the accusation of attempted outrage upon one of our citizens on San Juan island, which was charged to the British authorities and the Hudson's Bay Company of Vancouver's Island in my communication to Governor Douglas of the 6th of August.

The affidavit of Lyman A. Cutler, the person upon whom the outrage was attempted of being taken by force to Victoria for trial by British laws, fully and completely refutes the denial of Governor Douglas, transmitted in his communication of the 13th of August, a copy of which has been sent to you.

\* \* \* \* \*

The want of propriety and good faith on the part of the British officials is so apparent, in the course pursued by them towards ourselves in the matter of San Juan island, as to have forced Governor Douglas into a flimsy evasion of the facts which so strongly condemn them, and it is not surprising that Governor Douglas should attempt to throw discredit upon my action in the occupation of San Juan after being compromised by conduct he dares not acknowledge.

Governor Douglas speaks of the Hudson's Bay Company establishment as one of no significance or responsibility, and that its acts are no more to be considered than those of any other of the inhabitants of Vancouver's Island. In the face of such a statement I consider it my duty to inform the general-in-chief that this insignificant company has a positive military organization, with a discipline exceeding in rigor that of our own service. The forts of this company on this coast are armed with guns of much heavier caliber than any we possess, and in its service are steamers that can readily be applied to war purposes. The authorities of this company have boldly claimed the exclusive

ownership of San Juan island, warning the United States officer, Captain Pickett, from the island, and threatening him, at the same time, with the civil authorities if he did not obey. This was reported in my communication of the 7th of August to the Adjutant General, and accompanying reports of Captain Pickett, copies of which have been furnished your office. This is the establishment whose acts Governor Douglas calls upon us to ignore, but which he carefully supports in its aggressions by both the civil and naval forces under his orders.

I trust the British government will see how useless it will be for them to attempt to maintain a course of conduct that exposes them to the reflection of having used unworthy means to obtain that to which they have no claim, and showing the Hudson's Bay Company to be a willing cat for extracting the chestnuts from the fire.

I am, sir, very respectfully, your obedient servant,

W. S. HARNEY,

*Brigadier General, Commanding.*

ASSISTANT ADJUTANT GENERAL,

*Headquarters of the Army, New York City.*

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16 a.

WASHINGTON TERRITORY, *Whatcom County*:

On this 7th day of September, A. D. 1859, appeared before the undersigned, a notary public in and for said county, Paul K. Hubbs, jr., who, being duly sworn, on his oath deposes and says: That he had an interview with General Harney while on his visit to this island, and stated to the general that there had been some trouble between one of the American settlers and some of the officers of the Hudson's Bay Company. Upon being asked by the general the cause of the trouble, he said that a short time since Mr. Cutler, one of our citizens, had shot a hog belonging to the said company, and immediately went to Mr. Griffin, the superintendent, and offered to pay for the hog. Mr. Griffin became enraged, and declared that the Americans were a pack of intruders, and said that he was a fool for ever allowing a United States inspector of customs to come on the island. In the afternoon of the same day the Hudson's Bay Company's steamer Beaver arrived from Victoria, with Mr. Dallas, a director of the Hudson's Bay Company, Dr. Solmie, a chief factor, and some other parties, who, after holding an interview with Mr. Griffin, called on Mr. Cutler, and used some very threatening language, and, among other words, they said that they had a posse on board, and would take him a prisoner and carry him to Victoria for trial.

PAUL K. HUBBS, JR.

Subscribed and sworn before me this 7th day of September, 1859.

[L. s.]

HENRY R. CROSBIE,

*Notary Public.*



16 b.

TERRITORY OF WASHINGTON, *County of Whatcom:*

Lyman A. Cutler, being duly sworn, deposes and says: That he has been a resident of San Juan island since last April, at which time he located one hundred and sixty acres of land, agreeably to the preëmption law, and upon which land he has ever since resided.

That on or about the 15th of last June he shot a hog belonging to the Hudson's Bay Company; that immediately after so doing he proceeded to the house of the agent of the Hudson's Bay Company on the island, Mr. Griffin, and informed him of the fact, stating that it was done in a moment of irritation, the animal having been at several times a great annoyance, and that morning destroyed a portion of his garden; he desired to replace it by another, or they could select three men, and whatever valuation they might place on the animal he would at once pay. Mr. Griffin, very much enraged, said the only way it could be settled would be by him (Cutler) paying one hundred dollars. He replied he was astonished both at Mr. Griffin's conduct and his proposal, and left him. The same afternoon Mr. Griffin, in company with three other persons, came to his house. He afterwards learned they were Mr. Dallas, one of the directors of the Hudson's Bay Company, Dr. Solmie, a chief factor, and a Mr. Fraser. Mr. Dallas asked him if he was the man that killed the hog; he answered, yes. Mr. Dallas then, in a very supercilious manner, asked him how he dared do it. He replied that was not the proper way of talking to him; that he dared do whatever he thought was justifiable, and he had no cause to blame himself in the matter; as soon as he had killed the animal he went to Mr. Griffin and offered to make him a proper reparation—that he was ready to do it then; had he have chosen to have acted otherwise, he could have said nothing about it, and Mr. Griffin would have never known his loss; the animal was so worthless he would never have troubled himself about it. Mr. Dallas, in reply, stated this was British soil, and if he, Cutler, did not make the reparation demanded—one hundred dollars—he would take him to Victoria; their steamer (the Hudson's Bay Company's steamer Beaver) was in port, and they had a posse at their command. He answered, Mr. Dallas must be either crazy or deem him so, to pay one hundred dollars for an animal that was not worth ten; and as for taking him to Victoria for trial, that could not be done; when they brought their posse he would have his friends to resist them; this was American soil and not English; and whilst he was willing to answer before any American tribunal for what he had done, no English posse or authority should take him before an English tribunal. Mr. Fraser commenced speaking about its being British soil, &c.; he (Cutler) declined, however, having any conversation with him on the matter; he had said all he had to say about it. Dr. Solmie said nothing. Mr. Griffin simply asked him if he ever knew him (Griffin) to disturb any of the settlers or insult them? he answered, never before that morning.

As they rode off one of the party remarked, "You will have to answer for this hereafter," or words to that purport.

Their manner and language were both insulting and threatening.

Afterwards, on the 27th of June, the morning Captain Pickett landed, the British steam frigate *Satellite* arrived and landed Mr. De Courcy, who was installed as British magistrate for the island of San Juan, as Captain Prevost publicly stated; at the time he left Victoria nothing was known of the landing of the American troops; it seemed evident that the magistrate came over for the purpose of apprehending him, (Cutler;) that he understood process was issued by the said De Courcy to compel his attendance to answer to his charge; that Captain Gordon, the English constable, with a posse, came to his house during his absence, on or about the 29th or 30th of July; word was sent to him by Mr. Crosbie, the American magistrate, to come in and place himself under the protection of Captain Pickett; that he came, staid one day, and returned the next, Captain Pickett having informed him if they attempted in any way to interfere with him to send him word, and he should be protected at all hazards. He is convinced that if troops had not been on the island he would have been taken by force and carried before an English magistrate; his reason for this belief is based on the fact that the English force on board the steam frigates *Satellite* and *Tribune* had orders to obey any requisition that Mr. De Courcy should make on them.

LYMAN A. CUTLER.

Subscribed and sworn before me this 7th of September, 1859.

[L. S.]

HENRY R. CROSBIE,  
*Notary Public.*

PORT TOWNSEND,

*Washington Territory, September 3, 1859.*

ESTEEMED SIR: I find that we have some disappointed or annoyed gentlemen (by the recent movement of General Harney) that are puffing the letter of Governor Douglas in reply to that of General Harney.

The general, it seems, did not say in his letter anything relative to the inroads and murders committed by the northern Indians, but confined himself to the immediate subject of grief, that of threatened taking of an American citizen to Victoria for trial.

How beautifully the governor in his reply "finesses" out of. In substance, he says that "*the government did not threaten,*" &c., all of which is true theoretically; but practically, the Hudson's Bay Company, with half a dozen armed steamers, the government governor being the head of the company, and his son-in-law, Mr. Dallas, the chief director and *the power* that practically moves the Hudson's Bay Company and the governor, did land and go to "the man that shot the boar," and threaten to take him on board their steamer (not the government steamer, but that of the Hudson's Bay Company) to Vic-

toria; and finding they (five of them) could not do it, left with a threat to send the "Plumper," a British government frigate for him, and, as I am reliably informed, did afterwards put the magistrate on the island, who sent three times after him, every time being watched by our peace officers and posse with reliance on our government officers and men.

Very truly yours, &c.,

PAUL K. HUBBS.

I am not personally acquainted with General Harney, but his timely aid and positon taken meets the unbounded admiration of the citizens of this Territory.

P. K. H.

His excellency the President, JAMES BUCHANAN.

17. *Governor Gholson to General Harney.*

EXECUTIVE OFFICE,  
*Olympia, W. T., August 21, 1859.*

SIR: In view of the excited state of a portion of the people (Gov. D. included) on Vancouver's Island, &c., I have thought that a judicious regard for the welfare of this Territory and the success of our arms, (should a collision occur,) perhaps, made it my duty to inform you that we have about (1,000) one thousand of small arms, (850) eight hundred and fifty muskets, (ordinary,) and (150) one hundred and fifty muskets, (rifled,) and (4) four twelve-pound mountain howitzers, and that for none of these have we a shot, shell, or cartridge.

Permit me to say, general, that as we shall be wholly dependent upon your orders for a supply, (if I correctly understand the regulations of the War Department,) I shall be pleased (either now or at such time as your *discretion* may direct) to receive whatever supplies you may think proper to order to this place.

I have the honor to be, general, your most obedient servant,  
R. D. GHOLSON,  
*Governor of Washington Territory.*

Brig. Gen. W. S. HARNEY,  
*Headquarters Department of Oregon.*

[Endorsement.]

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., September 19, 1859.*

Respectfully forwarded for the information of the general-in-chief, who is notified that eighty-five thousand rounds of ordinary musket

ammunition, fifteen thousand of rifled-musket, and two thousand rounds of mountain howitzer ammunition has been placed at Fort Steilacoom, subject to the requisition of Governor Gholson, in case of an emergency.

W. S. HARNEY,  
*Brigadier General, Commanding.*

18. *General Harney to Mr. Floyd.*

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., October 10, 1859.*

SIR: I have the honor to acknowledge the receipt of your communication of the 3d of September last, transmitting the views of the President of the United States in reference to the military occupation of San Juan or Bellevue island, as reported in my dispatch of the 19th of July last, addressed to the general-in-chief.

Since the date of that dispatch other events have transpired, which are conclusive in showing the intentions of the colonial authorities of Great Britain were directed towards assuming a positive jurisdiction over the island of San Juan. These occurrences have all been reported in a regular course of correspondence to the general-in-chief, duplicates having been transmitted to the adjutant general.

The President expresses an anxiety to ascertain whether, before proceeding to act, I communicated with Commissioner Campbell, who was intrusted by the government of the United States, in conjunction with the British commissioner, to decide the boundary question. In reply, I desire to inform his excellency the President that no official communication had passed between Commissioner Campbell and myself, in reference to the boundary, previous to the occupation of San Juan island by Captain Pickett's company, for the reason that no exigency had arisen requiring it. In the personal interviews I have had with Commissioner Campbell since my arrival on this coast, he has always assured me that there could be but one solution of the boundary question under the treaty of June 15, 1846, and that was to be obtained by taking the mid-channel of the "Canal de Haro," or Straits of Haro, as the boundary line between the United States and Great Britain. He has several times stated that a strict construction of the treaty will not only give us the Haro group of islands, of which San Juan is the most important, but also the Saturne island, which is yet nearer to Vancouver. This island, he said, he was willing to give to Great Britain, under a liberal and generous construction of the treaty.

In each of these interviews Commissioner Campbell has deplored the course pursued by the British government in the opposition they made to the settlements of this question, and the delays continually seized upon by the British commissioner to prevent coming to an early decision. Commissioner Campbell appeared to be earnestly impressed

with the conviction that the British government intended to keep this an open question until some future time, when they could advance their claims to better advantage, as they had no foundation in justice or right. I saw Commissioner Campbell for the last time, at Semiah-moo, on the 7th day of July last; at that date neither he nor myself had any knowledge to induce us to believe the colonial authorities of Great Britain had attempted to assume jurisdiction over San Juan. When Captain Pickett's company arrived at San Juan, it appears Commissioner Campbell was making an exploration of the islands in the Haro group, and visited San Juan the day Captain Pickett landed; he rendered the captain every assistance, and approved the course that had been pursued. Captain Pickett landed on the 27th of July, and Commissioner Campbell remained in that vicinity until the 16th of August, when I received a private communication from him, a copy of which is inclosed. I immediately answered it officially, giving him my reasons in full for occupying San Juan; this would have been done at the time Captain Pickett's order was issued, but I did not know his whereabouts until I received his communication. A copy of this answer to the commissioner is also inclosed, and a copy of his reply dated the 30th of August.

I would respectfully call the attention of the President to the unqualified denial of Governor Douglas, in his dispatch of the 13th of August, that any attempt had ever been made to arrest an American citizen and convey him to Victoria to be tried by British laws. At the very moment this denial was being penned, three British ships-of-war were in that harbor, by the orders of Governor Douglas, to support a British stipendiary magistrate sent by Douglas to arrest the same American citizen, (Cutler,) of San Juan, who would have been arrested but for the positive interference of Captain Pickett; indeed, so pressing and urgent were the British to possess themselves of Cutler, that Captain Pickett did not hesitate to report his capture could only be averted by occupying the island in force.

Such are the facts of this case, in which the British government furnished five ships-of-war, carrying one hundred and sixty-seven guns, and from two to three thousand men, to an unscrupulous colonial governor for the purpose of wresting from us an island that they covet. Such punic faith should never be tolerated, however plausible the pretext upon which it may be founded.

I am, sir, very respectfully, your obedient servant,

WM. S. HARNEY,

*Brigadier General, Commanding.*

Hon. SECRETARY OF WAR,

*Washington City, D. C.*

18 a.

STEAMER SHUBRICK,

*San Juan Harbor, August 14, 1859.*

MY DEAR GENERAL: Captain Alden is about to leave the harbor for Fort Vancouver, with dispatches from Colonel Casey, and I take the

opportunity of dropping you a line in relation to the state of affairs resulting from the landing of troops on the island of San Juan.

When I learned from Captain Pleasonton that Captain Pickett's company was ordered to San Juan, I thought it was a very proper movement for the protection of American settlers from northern Indians, and from the interference of the Hudson's Bay Company's agents, who had recently been threatening to take one of the settlers to Victoria for trial; and I did not anticipate from it any serious objection on the part of the British authorities of Vancouver's Island—certainly no forcible opposition—troops at various times heretofore having been sent there at intervals, in small detachments, for the protection of the settlers against the Indians.

But I happened to be making an exploration of the archipelago at the time Captain Pickett arrived; and for several days after I was anchored in this harbor, and I soon saw that it was going to produce a great excitement unless managed with great discretion. Before I saw Captain Pickett's instructions I did not suppose it possible that any collision could arise between the United States and English troops, and I took it for granted that his duties would be confined to the objects specified hereinbefore. While the boundary line still remains unsettled, and the commission appointed to determine the boundary line still existed, I did not suppose any resistance would be made by Captain Pickett to the landing of the British troops, if they thought proper, as a matter of protection to English subjects on the island, to station a force on the island. It did not seem to me, under present circumstances, that we should be justified in going to the extent of refusing to allow them to land troops for peaceable purposes. I found that Captain Pickett had different views, derived from your instructions, and he confidentially showed them to me. I perceived that they were susceptible of the interpretation he gave them, though they were not directly mandatory on the subject; and supposing it possible, if not probable, that you might have received instructions from the War Department for the occupation of the island, I felt a delicacy in interfering further in the matter lest I might be disturbing plans well considered by you and determined on by the government. At the same time, as I had no intimation on the subject from the State Department, I felt considerably troubled lest there might be some misunderstanding.

I was called upon officially by my colleague, Captain Prevost, the British commissioner for the settlement of the water boundary, to take steps individually, or in concert with him, to protest against the armed occupation of the island, it being intimated that British troops would be landed. As I did not consider it my duty, as a commissioner, to interfere with the operations of the military forces of either government, I declined to take the steps indicated. Thus far no serious results have followed from the presence of troops on the island; but there is a good deal of excitement among the authorities of Vancouver's Island, and, doubtless, a great deal of mortification, and, if I may be permitted to advise, I would recommend caution, so as to prevent if possible any



collision, which, I think, under no circumstances ought to be allowed to occur.

However certain may be your conviction that the boundary line, according to the treaty, should run down the Canal de Haro—and I have never hesitated, when asked, to say that such is the ground I have taken as commissioner, and that in this I believe I will be supported by the government—still the question has not been authoritatively decided; and unless you have some intimation from the War Department which has governed your actions, I fear that the decided action you have taken in declaring the island American territory may somewhat embarrass the question. I shall be greatly relieved to learn that you have some authority from the government for the decisive step you have taken, though I do not pretend to ask or desire the information in my official capacity. I thought it possible, if you had no directions from home, that you might be in error on some point regarding the joint commission, and therefore have taken the liberty of letting you know that it still exists, notwithstanding the slow progress made in settling the boundary question.

I presume Colonel Casey has fully informed you of everything that has taken place since his arrival, and therefore I need say nothing further.

Hoping you will excuse the liberty I have taken in writing you thus freely, I am, my dear general, very respectfully and truly, your obedient servant,

ARCHIBALD CAMPBELL.

Brigadier General W. S. HARNEY,  
*United States Army.*

NOTE BY THE DEPARTMENT OF WAR.—See General Harney's letter to Mr. Campbell, August 16, with No. 11 of these papers.

18 b.

CAMP SEMIAHMOO, *August 30, 1859.*

MY DEAR GENERAL: I had the pleasure of receiving, on the 22d instant, your letter of the 16th, placing me in possession of the facts connected with the occupation of San Juan by some of the troops under your command. For the trouble you have taken to furnish me this information, in the midst of more pressing and important occupations, I beg to return you my sincere thanks. Had I known your views earlier, I should have been free from the embarrassment expressed in my letter to you of the 14th instant. The rumor in regard to my departure for Washington city had no foundation whatever.

In a few days I contemplate a trip along or near the 49th parallel as far as Fort Colville. I shall return to this place *via* the Columbia river towards the middle of October, by which time you will probably have received answers to your dispatches to Washington, which I trust may be satisfactory to you. Looking forward with pleasure to meet-

ing you at that time at Fort Vancouver, I am, my dear general, very respectfully and truly, your obedient servant,

ARCHIBALD CAMPBELL.

Brig. Gen. W. S. HARNEY,  
*United States Army.*

19. *General Scott to the Adjutant General.*

HEADQUARTERS OF THE ARMY,  
*Portland, Oregon, October 22, 1859.*

SIR: The general-in-chief desires me to report, for the information of the Secretary of War, that he arrived in good health at Fort Vancouver on the night of the 20th instant, and had an interview with Brigadier General Harney the following morning.

The answer of that officer, of October 10, to the Secretary of War, in answer to his communication of September 3, gave an account of the affairs existing at the island of San Juan to that period, since when nothing of interest has occurred.

Captain Pickett, 9th infantry, the judge advocate of a general court-martial, ordered by General Harney to convene at Fort Vancouver, who arrived here yesterday, just from the island, reports everything quiet, and that the British vessels of war had all returned to their usual anchorage near Victoria except one—the Satellite.

The steamer Northerner, on which the general is a passenger, leaves this place this afternoon for Puget's Sound, and, on her arrival in those waters, it is his intention to go on board the government steamer Massachusetts, at Port Townsend, and from thence open a correspondence with the British authorities. The general does not intend to pass beyond the limits of the United States.

Commissioner Campbell is on his way from Colville to Fort Vancouver, and may arrive at the latter place in a day or two.

I have the honor to be, very respectfully, your obedient servant,

L. THOMAS,

*Assistant Adjutant General.*

Colonel SAMUEL COOPER,

*Adjutant General U. S. Army, Washington, D. C.*

20. *General Scott to the Adjutant General.*

HEADQUARTERS OF THE ARMY,  
*Fort Townsend, W. T., October 26, 1859.*

SIR: By direction of the general-in-chief I inclose, for the information of the Secretary of War, a copy of his communication of yester-

day's date to his excellency James Douglas, governor of Vancouver's Island, and its dependencies, containing a proposition to serve as a basis for the temporary adjustment of the difficulties existing at the island of San Juan between our government and that of Great Britain. Lieutenant Colonel Lay, who was charged with the delivery of the communication, is momentarily expected, in the revenue cutter on this station, with the governor's reply, and if received in time for the mail a copy thereof will also be inclosed.

The general-in-chief further intends to send the substance of the communications by the overland mail from San Francisco to the commanding officer of Fort Leavenworth, with instructions to telegraph the same to the Secretary of War.

The steamer *Northerner* takes her departure from Fort Townsend this morning, *via* Victoria, for San Francisco, where she is expected to arrive in ample time, with the mails, for the steamer to leave that port on the 5th proximo. This communication will be sent by the *Northerner*.

I have the honor to be, very respectfully, your obedient servant,  
L. THOMAS,  
*Assistant Adjutant General.*

Colonel S. COOPER,  
*Adjutant General U. S. Army, Washington, D. C.*

21. *General Scott to Mr. Floyd.*

[Telegram.]

FUCA STRAIT, October 27, *via* Leavenworth, November 24.

Hon. J. B. FLOYD,  
*Secretary [of War,] Washington.*

Two days ago I dispatched from Fort Townsend a communication to Governor Douglas, proposing a temporary adjustment on the basis suggested by the President in his instructions to me. There has been no answer yet. No doubt the proposition will be accepted. Everything tranquil in these islands.

WINFIELD SCOTT.

22. *General Harney to General Scott.*

HEADQUARTERS DEPARTMENT OF OREGON,  
*Fort Vancouver, W. T., October 29, 1859.*

SIR: I have the honor to inclose, for the information of the general-in-chief, a copy of a communication from Lieutenant Colonel Casey, commanding on San Juan island, in which he reports that Rear-Admiral Baynes, commanding her *Britannic Majesty's* fleet on the Pacific

coast, was actually on board the British steamship-of-war "Tribune," in the harbor of San Juan island, at the time Colonel Casey landed his troops, and when Captain Hornby, of the British navy, the commander of the "Tribune," informed the colonel, in presence of the British and American commissioners, that Admiral Baynes was then at Esquimault harbor, near Victoria, Vancouver's Island.

I mentioned this fact to the general-in-chief, in conversation at the time of his arrival at this post, but I deem it of such importance in showing the duplicity and bad faith exercised towards us by both the colonial and naval authorities of Great Britain in reference to San Juan island, that I desire to place it on record.

This statement exposes three high officials of her Britannic Majesty's service, viz: the British commissioner, the admiral, and the senior captain of the navy in these waters to the imputation of having deliberately imposed a wilful falsehood upon the authorities of a friendly nation to advance the sinister designs of the British government in obtaining territory that rightfully belongs to the United States.

Is it too much to suppose they would be guilty of like conduct should they be permitted to assume a position in which it would aid their purposes?

I am, sir, very respectfully, your obedient servant,

W. S. HARNEY,

*Brigadier General, Commanding.*

The ASSISTANT ADJUTANT GENERAL,

*Headquarters of the Army, Port Townsend,*

*Puget's Sound, W. T.*

22 a.

FORT VANCOUVER, W. T, *October 28, 1859.*

CAPTAIN: In my communication of the 12th August, from San Juan island, narrating the events which had transpired on that island, from the time of my arrival with a reinforcement of three companies of infantry from Fort Steilacoom, it will be seen that I had requested an interview with Rear-Admiral Baynes, commanding her Britannic Majesty's fleet on the Pacific coast. As I did not in that communication state the principal reason which governed me in not proceeding to the flag ship Ganges, for the purpose of having an interview with the admiral on board that ship, in the harbor of Esquimault, I have thought it due to myself, that that reason should be made known to the general commanding the department, and I would respectfully request that the following be considered a part of my communication of the 12th August, 1859, viz:

Soon after my conference with Captain Hornby, I was informed by Mr. Campbell, the United States commissioner, that Rear-Admiral Baynes was actually on board the British steamship Tribune, in the harbor of San Juan island, at the very time I was informed by Captain Hornby, in the presence of the British and American commissioners, that the admiral was at Esquimault harbor, twenty-five miles distant.

I was somewhat astonished at this, and considered that I had not been dealt by with that openness and candor which the object to be brought about seemed to demand.

I resolved, notwithstanding this, to comply with my promise to meet the admiral at Esquimault harbor; but knowing what I did, thought it not incumbent on me to repair on board the Ganges, for the purpose of the contemplated interview.

Very respectfully, your obedient servant,

SILAS CASEY,

*Lieutenant Colonel 9th Infantry, Commanding on San Juan.*

Captain A. PLEASANTON,

*Acting Assistant Adjutant General,*

*Department of Oregon, Fort Vancouver, W. T.*

23. *General Scott to Mr Floyd.*

HEADQUARTERS OF THE ARMY,

*At Sea, December 8, 1859.*

SIR: After the dispatch of October 26, by Lieutenant Colonel Thomas to the adjutant general, I had no opportunity of communicating with the department before the steamer from San Francisco of the 21st ultimo, and in her I embarked for home.

This letter will be accompanied by copies of my correspondence and orders on the subject of the island of San Juan, while I was on the Pacific coast, viz:

1. My communication to Governor Douglas, October 25.
  2. Hasty memorandum by Lieutenant Colonel Lay, October 26.
- [Copies were communicated by Lieutenant Colonel Thomas' dispatch.]
3. Governor Douglas to me, October 29.
  4. My letter to Governor Douglas, November 2; and
  5. Project of a temporary settlement, November 2.
  6. Governor Douglas to me, November 3.
  7. My letter to Governor Douglas, November 5.
  8. My special orders—sending troops from San Juan, November 5.
  9. Governor Douglas to me, November 7.
  10. The same, inclosing deposition, &c., November 7.
  11. My letter to Governor Douglas, November 9.
  12. Extract of instructions to General Harney, November 9; and
  13. Extract of instructions to Captain Hunt furnished Governor Douglas, November 9.
  14. Lieutenant Colonel Thomas to Captain Hunt, November 9.
  15. Lieutenant Colonel Thomas to Lieutenant Colonel Casey, November 9.
  16. Lieutenant Colonel Thomas to General Harney, November 9.
  17. My letter to General Harney, November 15.
  18. Special order, November 15.

It will be seen that the British governor having assured me that he entertained no design of attempting the dislodgment by force of our troops from the disputed island, I immediately, in order to take from

our position every semblance of hostility or menace, took measures to reduce that force to a single company of infantry, with its proper arms only, (for the protection of American settlers,) with the understanding that, in the same spirit, one of the vessels of war (the larger) in the harbor of San Juan would also be sent off at an early day.

And here it is proper to remark that, from the beginning of the recent difficulties, there has virtually been a joint occupation of the island by our troops in the land, and by one or more British vessels of war in the harbor.

I have the honor to be, sir, with high respect, your obedient servant,  
WINFIELD SCOTT.

Hon. JOHN B. FLOYD,  
*Secretary of War.*

23 a.

HEADQUARTERS OF THE ARMY,  
*Fort Townsend, October 25, 1859.*

The undersigned, lieutenant general and commanding in chief the army of the United States, having been drawn to this frontier by the apprehension of some untoward collision of arms between the forces of the United States and those of Great Britain in and about the island of San Juan, the sovereignty of which is claimed by both nations, does not hesitate, in the great interests of peace assumed to be as important to one party as to the other, at once to submit for the consideration of his excellency the following proposition, to serve as a basis for the temporary adjustment of any present difficulty, until the two governments shall have time to settle the question of title diplomatically.

Without prejudice to the claim of either nation to the sovereignty of the entire island of San Juan, now in dispute, it is proposed that each shall occupy a separate portion of the same by a detachment of infantry, riflemen, or marines, not exceeding one hundred men, with their appropriate arms only, for the equal protection of their respective countrymen in their persons and property, and to repel any descent on the part of hostile Indians.

In modification of this basis any suggestion his excellency may think necessary, or any addition he may propose, will be respectfully considered by the undersigned.

This communication will be handed to his excellency by Lieutenant Colonel Lay, an aidecamp of the undersigned, who has the honor to subscribe himself.

With high respect, his excellency's obedient servant,  
WINFIELD SCOTT.

His excellency JAMES DOUGLAS, Esq., C. B.,  
*Governor of the Colony of Vancouver's Island  
and its dependencies, and Vice-Admiral of the same.*



23 b.

*Hasty Memorandum.*

VICTORIA, VANCOUVER'S ISLAND,  
*Night of October 26, 1859.*

His excellency Governor Douglas authorizes me to say that, having yet had no time to consider in detail the proposition offered by Lieutenant General Scott, nor to consult with his official advisers here, he is at a glance satisfied that no obstacle exists to a completely amicable and satisfactory adjustment (continuing throughout the period of diplomatic discussion respecting the title to the island of San Juan,) either upon the plan suggested by General Scott, or some other that may be mutually agreed to after advisement.

His excellency has read this memorandum and retains a copy.

G. W. LAY,  
*Lieutenant Colonel U. S. Army.*

23 c.

VICTORIA, VANCOUVER'S ISLAND,  
*October 29, 1859.*

SIR: I have had the honor of receiving by the hands of Lieutenant Colonel Lay your note of the 25th instant, communicating to me the reasons which have drawn you to the frontier of Washington Territory, and for the great interests of peace, making a proposition to serve as a basis for the temporary adjustment of the present difficulty, arising out of the occupation of the island of San Juan by troops of the United States.

2. In the first place, I beg you will permit me to offer you my warm congratulations upon your arrival in this neighborhood, and the assurance of my earnest desire to coöperate with you in the most cordial spirit. I thank you for the frank and friendly tone which characterizes your note, and I trust you will believe me when I say that if I am not able entirely to accede to your views it proceeds solely from the necessity which exists under present circumstances that I should take no step which might in the least embarrass the government of her Britannic Majesty in any line of action which they might think fit to adopt. You have been specially accredited by the government of the United States, and I fully appreciate the fact; but I, on the contrary, am not in possession of the views of her Majesty's government on this matter, and, therefore, am not at liberty to anticipate the course they may think fit to pursue.

3. You propose, without prejudice to the claim of either nation to the sovereignty of the entire island of San Juan, that each shall occupy a separate portion of the same by a detachment of infantry, riflemen, or marines, not exceeding one hundred men, with their appropriate arms only, for the equal protection of their respective countrymen in

their persons and property, and to repel any descent on the part of hostile Indians. For the reasons above given you can readily understand, sir, that were I to accede to this proposition I should at once be committing her Majesty's government, and I believe I should at the same time, on their behalf, be assuming an attitude which I do not think they would now be desirous of maintaining. I admit that the protection of the citizens of both nations who are now resident on the island is a matter which cannot be overlooked or lightly treated, but the principal protection that may be required is from dissensions amongst themselves, and not against hostile Indians, from whom I do not apprehend there is the slightest danger of molestation.

4. I again assure you that I am most cordially disposed to coöperate with you in the frankest manner to assist in removing any and every cause which might unhappily disturb the particularly satisfactory relations at the present moment existing between her Majesty's government and that of the United States; and I conceive that that end can be best attained by replacing matters at San Juan as they were before the landing of the United States troops—the "*status*" established on the moderate and conciliatory views laid down in Secretary Marcy's dispatch to Governor Stevens, of the 14th July, 1855.

5. An arrangement on that footing would bring the whole affair to a conclusion satisfactory to both parties, and so highly honorable to the government of the United States that I feel sure it would at once remove any cause of complaint which her Majesty's government might be reasonably expected to entertain.

6. I would therefore submit, for your consideration, that for the protection of the small British and American population settled on the island there should be a joint civil occupation, composed of the present resident stipendiary magistrates, with such assistants as may be necessary, and that the military and naval forces, on both sides, be wholly withdrawn.

7. Should it, however, hereafter appear that a military force is indispensable for protection, I can see no objection to such a force being landed upon San Juan, with such understanding as the British and American authorities may mutually determine upon.

8. It is no doubt, sir, fresh in your recollection that the *sole* reason assigned to me by General Harney for the occupation of San Juan was to protect the citizens of the United States from "insults and indignities" offered them by the British authorities at Vancouver's Island. In my reply I, in the most earnest and emphatic manner, repudiated the aspersion and endeavored to prove to General Harney that for the cause alleged there was no necessity for the presence of United States troops on the island of San Juan; and I therefore begged, for the sake of peace, that he would withdraw the troops. He, however, declined to do so, upon the plea that he had no assurance that American citizens would continue to be free from molestation from the British authorities. I feel confident, sir, that I need not renew to you my assurance that the British authorities in Vancouver's Island have no intention, under existing circumstances, to interfere with any of the citizens of the United States who may be resident upon San Juan; and I therefore anticipate that a consideration of these facts, together with

those before mentioned, will remove any difficulty you may have apprehended touching the withdrawal of the United States troops from San Juan, and I earnestly trust will induce you to entertain with favor the proposition I have made.

9. I hope, sir, I may have the pleasure of meeting you personally, when minute details could be so much better discussed than by letter; and it would indeed be a source of gratification to me to have the honor of welcoming to the shores of Vancouver's Island an officer so highly distinguished as he whom I now have the honor of addressing, and who, I beg, will allow me to subscribe myself as his most obedient, humble servant,

JAMES DOUGLAS.

Lieutenant General WINFIELD SCOTT,  
*Commanding in Chief the Army of the United States.*

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23 d.

HEADQUARTERS OF THE UNITED STATES ARMY,  
*False Dungeness Harbor, W. T., November 2, 1859.*

I have the honor to acknowledge your communication of the 29th ultimo, (the receipt of which has been much delayed by winds and fogs,) in reply to mine dated four days earlier.

It is with regret I learn that the basis for the settlement of the immediate San Juan difficulty I had the honor to submit has not received your acceptance, and that sentiment is deepened at finding myself unable to accept your proposed substitute. We ought not, however, to despair of finding the means of maintaining the peace of the frontier till the good sense and good feelings of our governments shall have had time to supervene and directly to dispose of the whole subject of the disputed island forever.

Your excellency seems to regard the preliminary evacuation of that island by the American troops as a *sine qua non* to any adjustment of the immediate question before us. I am surè that at the date of the instructions which brought me hither, and in the anxious interviews between Mr. Secretary Cass and her Britannic Majesty's minister, Lord Lyons, residing near the government of the United States, no such suggestion was made by his lordship, or it would not only have been communicated to me, but have, in all probability, stopped this mission of peace.

You "submit for [my] consideration that for the protection of the small British and American population settled on the island there should be a joint civil occupation, composed of the present resident stipendiary's magistrates, with such assistants as may be necessary, and that the military and naval forces on both sides be wholly withdrawn."

It strikes me, as a decisive objection to this basis, that if a magistrate (judge or justice of the peace) could be legally (except by treaty between sovereign powers) established on neutral territory, such functionary could not be subjected to the orders of any officer of the United States army, nor even to the direct control of the President of the

United States, though appointed by an American territorial governor claiming jurisdiction over the disputed territory, and therefore not to be considered a fit person to be intrusted with matters affecting the peace of two great nations. Besides, I have adopted the impression of my countrymen generally on this frontier that the few citizens settled on the San Juan island, though, like all other American pioneers, brave and possessed of effective weapons for defense and attack, do in reality stand in need of troops for protection not only against predatory bands of Indians coming from foreign parts, but also from such bands residing within our own limits. A marauding descent of this kind was made but a few weeks since upon the village of Whatcom, in Bellingham bay, when a small detachment of soldiers was actually sent from the disputed island to protect the villagers against a threatened renewal of the outrage! (I am but just returned from that village.)

Moved by the foregoing considerations and the spirit of peace which is known to animate our governments, I will respectfully ask your excellency to review your decision on my original proposition, which, the better to show its probable workings if adopted, I have somewhat elaborated in the accompanying "*Projet of a temporary settlement, &c.*" I am persuaded that, on mature reflection, you will find nothing in it to hurt English pride or to prejudice English interests, but much to soothe past irritations on both sides and to prevent any local conflict. The details of the plan are no doubt susceptible of improved modifications, but I must candidly say that I do not see how I can positively consent to a change in the principle.

Highly appreciating the personal compliments of your excellency, and reciprocating the kind feelings which prompted them, I have the honor to remain, with high consideration, your excellency's most obedient servant,

WINFIELD SCOTT.

His excellency JAMES DOUGLAS, Esq., C. B.,  
*Governor of the Colony of Vancouver's Island and  
 its dependencies, and Vice-Admiral of the same.*

23 e.

*Projet of a temporary settlement, &c.*

Whereas the island of San Juan, in dispute between the governments of the United States and Great Britain, is now occupied by a detachment of United States troops; protection against Indian incursions having been petitioned for by American citizens, resident thereon, and against such occupation a formal protest has been entered on behalf of her Britannic Majesty's government by his excellency James Douglas, esquire, C. B., governor of the colony of Vancouver's Island and its dependencies, and vice-admiral of the same—

It is now proposed by Lieutenant General Scott, commanding in chief the army of the United States in behalf of his government, and in deference to the great interests of the two nations, that a joint occupancy be substituted for the present one, which proposition being

accepted by his excellency, it is hereby stipulated and agreed between the said Scott and the said Douglas that the substitution without prejudice to the claim of either government to the sovereignty of the entire island, and until that question shall be amicably settled, shall consist of two detachments of infantry, riflemen, or marines of the two nations, neither detachment of more than one hundred men, with their appropriate arms only, and to be posted in separate camps or quarters for the equal protection of their respective countrymen on the island in persons and property, as also to repel descents of marauding Indians.

And whereas pending such joint occupation a strict police over the island will be necessary to the maintenance of friendly relations between the troops of the two nations, as well as good order among the settlers, it is further stipulated and agreed between the parties, signers of these presents, that the commanding officer of each detachment composing the joint occupation shall be furnished with an authenticated copy thereof by the respective signers, to be regarded as a warrant and command to the American commander from the said Scott, and to the British commander, from the said Douglas, to seize and confine, or to banish from the island, any person or persons whatsoever found or known to be engaged in fomenting any quarrel or misunderstanding between the officers or men of one of the detachments and the officers or men of the other, and, further, to treat in like manner all other offenders against the peace and good order of the island; it being, however, expressly understood and enjoined that such measures of correction shall only be applied to American citizens, or persons claiming to be such, by the American commander, or to British subjects, or persons claiming to be such, by the British commander.

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23 f.

VICTORIA, VANCOUVER'S ISLAND,  
November 3, 1859.

SIR: Lieutenant Colonel Lay yesterday placed in my hands your dispatch of the 2d instant, conveying to me your sentiments upon the subject of my proposal for the temporary adjustment of affairs in connection with San Juan, and informing me that you are unable to accept that proposal.

2. I regret, sir, for many reasons, that you did not accede to my suggestion of a joint civil occupation as a temporary expedient for preserving tranquillity, and especially so because the course you propose to me of a joint military occupation is one which I cannot assent to, or carry into effect, without the sanction and express instructions of my government.

3. I am authorized to maintain all treaties as they exist, but not to alter the provisions or to disregard the stipulations of any; and, in short, I am sensible that it would not be advisable for me to anticipate, by any action on my part, the instructions I may soon receive from her Majesty's government, unless there was an evident and imperative



necessity for the adoption of such a course, which necessity, in my opinion, does not exist in the present instance.

4. I conceive that protection against all ordinary danger to which either British subjects or American citizens residing on the island of San Juan are exposed may be fully attained without resorting to the extreme measure of a joint military occupation; and, moreover, the expediency of affording protection to individuals who may settle on territory the sovereignty of which has not been determined may justly be questioned. Protection under such circumstances can, indeed, hardly be considered as a duty incumbent on governments; and, on my part, I am not left in doubt on the subject, as my instructions direct me to announce with reference to this colony that protection cannot be afforded to persons who, by wandering beyond the precincts of the settlements and the jurisdiction of the tribunals, voluntarily expose themselves to the violence or treachery of the native tribes.

5. You must permit me, sir, further to add, that her Majesty's authorities in this colony have, with respect to the United States, committed no violation of existing treaty stipulations, nor been guilty of any act of discourtesy whatsoever towards the government of that nation, but have on all occasions during the late exciting events exhibited a degree of forbearance which will, I trust, be accepted as a guarantee that by no future act will we seek to impair the pacific relations existing between Great Britain and the United States.

6. Should you, sir, after the explanations I have herein given in reference to my official powers and position, proceed to carry out your pacific mission, and divest the large military force now on San Juan of its menacing attitude by removing it from the island, we will instantly withdraw the British naval force now maintained there; and as soon as I receive the instructions of my government, I shall be glad to coöperate with you in arranging a plan for the temporary maintenance of order and protection of life and property upon the island.

7. In the meantime you may rest assured that we will not disturb the "*status*" of San Juan by taking possession of the island, or by assuming any jurisdiction there to the prejudice of the position in which the question of title was placed by Mr. Secretary Marcy and her Majesty's representative in the year 1855.

8. Again assuring you of my desire to act with you to the utmost of power in the most cordial manner and with the utmost frankness and sincerity, and renewing to you my expressions of high consideration and respect, I have the honor to remain, sir, your most obedient and humble servant,

JAMES DOUGLAS.

Lieutenant General WINFIELD SCOTT,  
*Commanding in Chief the Army of the United States.*

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23 g.

HEADQUARTERS OF THE UNITED STATES ARMY,  
*False Dungenness Harbor, W. T., November 5, 1859.*

SIR: I have the honor to acknowledge a second communication from your excellency dated the 3d instant. Being assured therein that



there is no intention on your part to attempt to dislodge, by force, the United States troops now in the temporary occupation of the island of San Juan, without instructions to that effect from your government, and being perfectly persuaded that the very cordial relations which now happily subsist between the United States and Great Britain render the receipt of such instructions extremely improbable, I do not hesitate at once to order the number of the United States troops on that island to be reduced to the small detachment (Captain Pickett's company of infantry) originally sent hither in July last for the protection of the American settlers (such protection being petitioned for by them) against neighboring and northern Indians.

A copy of my orders in the case I inclose herewith for the information of your excellency. They will be fully executed as soon as practicable by the employment of the United States propeller *Massachusetts*, the only craft suited to the purpose in these waters.

I have the honor to remain, with high consideration, your excellency's most obedient servant,

WINFIELD SCOTT.

His excellency JAMES DOUGLAS, Esq., *C. B.*,

*Governor of the Colony of Vancouver's Island*

*and its dependencies, and Vice-Admiral of the same.*

After the foregoing communication was dispatched, the general-in-chief determined to leave Captain Hunt's company on the island, instead of Captain Pickett's, and a copy of his order, after modification, was subsequently sent to Governor Douglas to replace the one previously transmitted. The following is a copy of the order as finally issued.

L. THOMAS,

*Assistant Adjutant General.*

23 h.

[Special Orders No. —.]

HEADQUARTERS OF THE ARMY,

*U. S. Propeller Massachusetts, W. T., November 5, 1859.*

As soon as practicable Lieutenant Colonel Casey or other commanding officer on the island of San Juan will proceed to send therefrom all the companies under his orders, except Captain Hunt's, to the posts to which they had previously belonged, viz: company I of the 4th infantry to Fort Townsend; company A of the 4th and H of the 9th infantry to Fort Steilacoom; company D of the 9th infantry to Fort Bellingham; and last, the companies of the 3d artillery to Fort Vancouver.

Captain Hunt and his company and Assistant Surgeon Craig will remain on the island till further orders for the protection of the American settlers.

Lieutenant Colonel Casey will cause the heavy guns on the island to

be replaced aboard of this propeller, and will send the light battery to Forts Townsend, Bellingham, and Steilacoom.

By command of Lieutenant General Scott.

L. THOMAS,  
*Assistant Adjutant General.*

23 i.

VICTORIA, *Vancouver's Island*, November 7, 1859.

SIR: I have the honor to acknowledge your communication of the 5th November, announcing your intention to order the withdrawal of certain companies of United States troops now in temporary occupation of the island of San Juan, and your intention to leave Captain Pickett's company of infantry for the protection of the American settlers against neighboring and northern Indians, and transmitting a copy of your orders in that case to the commanding officer in the island of San Juan.

2. I shall have much pleasure in communicating your intention to her Majesty's government, who will no doubt accept it as a proof of the desire of the United States to restore the former status of the disputed territory.

3. I trust, sir, that instructions will be issued to the officers of the United States directing them to abstain from all acts in the disputed territory which are calculated to provoke conflicts, and in no case to attempt to exclude British subjects by force, or to interfere with them in any manner, or to exercise sovereign or exclusive rights within the disputed limits; and on our part her Majesty's authorities will be enjoined to abstain from any acts of interference or of exclusive jurisdiction until the question of title is settled.

4. In that way I sincerely hope that all collision may be avoided.

With every assurance of esteem, I have the honor to be, sir, your most obedient servant,

JAMES DOUGLAS.

Lieutenant General W. SCOTT,  
*Commanding in Chief the United States Army.*

23 j.

VICTORIA, *Vancouver's Island*, November 7, 1859.

SIR: I have the honor to inclose to you herewith a deposition which has been forwarded to me, made by one William Moore, a British subject, concerning his having been apprehended by the United States authorities on San Juan island, and compelled to work in the trenches, and, when released, deprived of the sum of seventy-five dollars.

2. I bring this matter to your notice with the full assurance that you will cause it to be investigated, and such reparation made as the circumstances may demand.

I have the honor to be, sir, your most obedient, humble servant,

JAMES DOUGLAS.

Lieutenant General WINFIELD SCOTT,  
*Commanding in Chief the Army of the United States.*

23 j.

[Inclosure.]

I, William Moore, state as follows:

I. That I am a British born subject, and a native of Sligo, in Ireland.

II. I have been trading with my canoe between Victoria and Bellevue island for nearly two months, dealing in onions, potatoes, bread, milk, and sometimes liquor, taking with me on several trips from two to five gallons at a time.

III. Early on the morning of the 16th September last I sold to a party of the name of Powell, who is an employé of the Hudson's Bay Company, a bottle of rum, for which I received the sum of one dollar. Powell returned shortly after he took the rum away, and asked me if I was on good terms with an American of the name of Crow; I said I had never been on bad terms with him. About an hour after this occurred, I saw this party—Crow—and the sheriff coming down towards my tent. The sheriff said, "I have a warrant for you, my man, and want you to come along with me." I went with him to the court-house, and arrived there about 8 o'clock in the morning.

IV. I was tried the same day, and the judge (Crosbie) said I was guilty, and ordered me to the guard-house till next day. I was then put into a tent with six or seven soldiers, who were prisoners, and after I had been there about half an hour the sheriff said he had orders to search me, and accordingly took my purse, containing \$160.

V. On the morning of the 17th the prisoners turned out to work, and I answered to my name, when it was called, and subsequently went to work in the trenches, rolling stones and shoveling earth there. Previously, however, to going to work I asked the sergeant of the guard if I was to work with the rest; when he replied, "that he had orders from Captain English, the officer of the day, to put me to work with the rest."

VI. I worked in the trenches till the prisoners were called in to prepare for dinner, and between 2 and 3 o'clock a constable, by the name of Cutler, took me to the court-house. Judge Crosbie then told a constable to take seventy-five dollars from my purse, which was lying on the table, which he did, and gave me the rest of the money, and I was then informed that I was discharged. Judge Crosbie never asked me if I was a British or American subject.

his  
WILLIAM X MOORE,  
mark.

Sworn at Victoria, on this sixth day of October, in the year of our Lord one thousand eight hundred and fifty-nine, before me, having been first read over and explained to the said William Moore, who seemed perfectly to understand the same.

DAVID CAMERON, C. J.

I, Richard K. Powell, employé of the Hudson's Bay Company, at Bellevue island, state as follows: That I personally saw William Moore at work in the trenches, on Bellevue island, on the 17th Sep-

tember last, along with other prisoners, and I believe he was so put to work in consequence of orders from the court, or Judge Crosbie, the magistrate on the island.

R. R. POWELL.

Subscribed in presence of us, who have hereunto set our names as witnesses.

(D) JOHN COPLAND, of *Yates street, Victoria.*

(D) WILLIAM YILLECK, of *Esquimault.*

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23 k.

HEADQUARTERS OF THE ARMY,

*U. S. Propeller Massachusetts, W. T., November 9, 1859.*

SIR: I have the honor to acknowledge the receipt, at the same time, of your two notes of the same date, the 7th instant.

I am pleased to learn that "her Majesty's authorities [on San Juan island] will be enjoined to abstain from any acts of interference or of exclusive jurisdiction [in respect to American citizens] until the question of title is settled."

In the same spirit I had earlier determined to instruct our commanding officer on the island to allow no person claiming to be a functionary of Washington Territory to interfere with any British subject residing or happening to be on the same island whilst it shall remain in dispute between our respective governments; and I shall add this further instruction, that if any British subject should become a disturber of the peace of the island, or a seller of strong liquors to American soldiers, without permission from their commander, the latter shall represent the case to the nearest British authority and respectfully ask for the instant removal of the offender; and if afterwards he shall return to the island without permission, the American commander may expel him therefrom without further ceremony.

I touch the complaint of William Moore, supported by his deposition presented to me by your excellency, with great reluctance—first, because the wrong done him, if any, was mainly at the hands of a judge, I presume, of Washington Territory, and consequently beyond my control; and, second, because I do not doubt that Moore has grossly misstated or exaggerated his case. I am at a distance from the island and from every officer who may have known anything of the transaction in question, and am, moreover, in the act of taking my departure for Washington, but shall refer the matter specially to Lieutenant Colonel Casey, the present commander on the island, who will investigate the complaint carefully, and who, I am sure, will take pleasure in redressing, as far as may be in his power, any wrong Moore may have sustained. And your excellency will not fail to perceive that I have

in my instructions to Captain Hunt, as shadowed above, taken measures to guard against future interference with British subjects.

I have the honor to remain, with high consideration, your excellency's most humble servant,

WINFIELD SCOTT.

His excellency JAMES DOUGLAS, Esq., *C. B.*,  
*Governor of the Colony of Vancouver's Island*  
*and its dependencies, and Vice-Admiral of the same.*

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[Inclosure.]

23 k.

The following extracts of communications addressed from the headquarters of the army to different commanders were furnished to his excellency Governor Douglas, with the general-in-chief's letter of November 7, 1859:

1. "The general-in-chief wishes it to be remembered that the sovereignty of the island (San Juan) is still in dispute between the two governments, and, until definitively settled by them, that British subjects have equal rights with American citizens on the island.

"L. THOMAS,  
*"Assistant Adjutant General."*

[To Captain Hunt, commanding company C, 4th infantry, San Juan island.]

2. "For your information and guidance I put under cover with this, copies of the general's communications to the governor of Vancouver's island, dated the 5th and 9th instant, respectively, as also a copy of his special order on the same subject. These papers will show the *spirit* in which it is expected you will execute the delicate and important trust confided to you, the general having full confidence in your intelligence, discretion, and (in what is of equal importance in this case) your *courtesies*.

"L. THOMAS,  
*"Assistant Adjutant General."*

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23 l.

HEADQUARTERS OF THE ARMY, U. S. PROPELLER MASSACHUSETTS,  
*Off Port Townsend, W. T., November 9, 1859.*

SIR: Your company, with only its appropriate arms, is to be left alone on San Juan island, when you will revert to the instructions from the headquarters of the department of Oregon, dated July 18, 1859.

For your information and guidance I put under cover with this, copies of the general's communications to the governor of Vancouver's

Island, dated the 5th and 9th instant, respectively, as also a copy of his special orders on the same subject. These papers will show you the spirit in which it is expected you will execute the delicate and important trust confided to you, the general having full confidence in your intelligence, discretion, and (in what is of equal importance in this case) your *courtesies*.

It is, further, the direction of the general that after the departure of Captain Pickett's company you occupy his part of the camp, where your men will be better sheltered during the winter, and also be further removed from the establishment of the Hudson's Bay Company. Captain Pickett will, of course, be at liberty to take back to Fort Belingham the property carried over to the island, such as doors, window-sash, &c., as also his company property, but it is hoped that some part of the excellent shelter he erected may be transferred to you.

I am, sir, very respectfully, your obedient servant,

L. THOMAS.

Captain LEWIS C. HUNT,

*Commanding Company C, 4th Infantry, San Juan island.*

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23 m.

HEADQUARTERS OF THE ARMY, U. S. PROPELLER MASSACHUSETTS,  
*Off Port Townsend, W. T., November 9, 1859.*

SIR: I herewith put under cover, for your information and government, the following papers, viz:

1. A copy of Special Orders, dated November 5, 1859.
2. An open package for Captain Hunt.

I am desired by the general-in-chief to add that he wishes you to leave with Captain Hunt's company two effective subalterns.

I inclose a copy of an affidavit made at Victoria the 6th of October last, by William Moore, claiming to be a British subject, who complains of injustice done him, not only on the part of the civil authorities of Washington Territory, but on that of the military. His statement is no doubt greatly misstated and exaggerated, but the general wishes you to make a careful examination of the case and redress, as far as may be in your power, any wrong Moore may have sustained. He wishes you, further, to furnish the colonial secretary of Vancouver's Island with the results of your examination.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,

*Assistant Adjutant General.*

Lieutenant Colonel SILAS CASEY,

*Officer Commanding at San Juan.*



23 n.

HEADQUARTERS OF THE ARMY, U. S. PROPELLER MASSACHUSETTS,  
*Off Port Townsend, W. T., November 9, 1859.*

GENERAL: By direction of the general-in-chief I inclose for your information and guidance the following papers, viz:

1. Copies of the general-in-chief's communication to his excellency Governor Douglas, dated the 5th and 9th instant.
2. A copy of Special Orders, dated the 5th instant.
3. A copy of my letter to Captain Hunt, dated the 9th instant.

These papers will show you to what extent the general has interfered in the affairs of the department of Oregon, except that he has made free use of the United States propeller Massachusetts, on board of which vessel he made his headquarters.

Captain Hunt will be left on the island of San Juan, under your instructions of July 18, modified by my letter to him dated the 7th instant; but the general-in-chief wishes it to be remembered that the sovereignty of the island is still in dispute between the two governments, and, until definitively settled by them, that British subjects have equal rights with American citizens on the island.

Captain Fauntleroy represents that the Massachusetts leaks badly, and that repairs are necessary, which can better be done at San Francisco this winter. The general-in-chief concurs, but gives no orders on the subject.

I have the honor to be, very respectfully, your obedient servant,  
 L. THOMAS,  
*Assistant Adjutant General.*

Brig. Gen. W. S. HARNEY,  
*Commanding Department of Oregon, Fort Vancouver, W. T.*

23 o.

HEADQUARTERS OF THE ARMY,  
*St. Helen's, Oregon, November 15, 1859.*

SIR: Intending at the first moment to urge that the two departments on the Pacific should be thrown back into one, and being aware of your preference for that having St. Louis as its headquarters, I have already suggested to you a change. Another motive has just occurred to me for renewing the subject.

I have no doubt that one of the preliminary demands which will be made by the British government upon ours, in connection with your occupation of the island of San Juan, will be your removal from your present command.

In such an event it might be a great relief to the President to find you, by your own act, no longer in that command.

I make the suggestion from public considerations solely, and have not received the slightest hint to that effect from Washington.

To take effect in conformity with your own wishes, I inclose here-

with a conditional order to repair to St. Louis, Missouri, and assume the command of the department of the west.

If you decline the order, and I give you leave to decline it, please throw it into the fire; or, otherwise, before setting out for the east, call your next in rank to you, and charge him with the command of the department of Oregon.

We have been forced into this river by a defect in a boiler, and to take in a new supply of coal. I may not have time to hear in reply from you on this side of the continent, unless we arrive at San Francisco too late for the Panama steamer of the 20th instant, which we begin to fear.

I am, sir, very respectfully, your obedient servant,

WINFIELD SCOTT.

Brig. Gen. W. S. HARNEY,

*Commanding Department of Oregon, Fort Vancouver, W. T.*

23 p.

[Special Order No. —.]

HEADQUARTERS OF THE ARMY,

*St. Helen's, Oregon, November 15, 1859.*

Brigadier General Harney will repair to St. Louis, Missouri, and assume command of the department of the west. Colonel Wright, 9th infantry, or the next senior present, will be charged, until further orders, with the command of the department of Oregon, and will be instructed to repair to Fort Vancouver.

By command of Lieutenant General Scott.

L. THOMAS,

*Assistant Adjutant General.*

24. *General Harney to General Scott.*

HEADQUARTERS DEPARTMENT OF OREGON,

*Fort Vancouver, W. T., November 17, 1859.*

SIR: I have the honor to acknowledge the receipt of a communication from the headquarters of the army, dated St. Helen's, Oregon, November 15, 1859, and signed by the general-in-chief, inclosing a conditional order for me to repair to St. Louis, Missouri, and assume the command of the department of the west.

The general-in-chief is pleased to express himself in the following language in this communication, viz:

"I have no doubt that one of the preliminary demands which will be made by the British government upon ours, in connection with your occupation of the island of San Juan, will be your removal from your present command.

"In such event it might be a great relief to the President to find you, by your own act, no longer in that command."

The general-in-chief states this is his own opinion in the matter, as

he has not received the slightest hint to that effect from Washington, and concludes by giving me the liberty of declining this order.

In reply to this communication of the general-in-chief, I desire to inform him I am not disposed to comply with such an order. I do not believe the President of the United States will be embarrassed by any action of the British government in reference to San Juan island; nor can I suppose the President would be pleased to see me relinquish this command in any manner that does not plainly indicate his intentions towards the public service.

I am, sir, very respectfully, your obedient servant,

WM. S. HARNEY,

*Brigadier General, Commanding.*

ASSISTANT ADJUTANT GENERAL,

*Headquarters of the Army, New York City.*

